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The American Political Science Review

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SOME ASPECTS OF REGIONAL PLANNING

CHARLES A. BEARD

The subject of regional planning now stands high on the calendar of American social thinking. Miss Kimball, in compiling her admirable manual of information three years ago, was able to make a fair display of papers and documents on regional, rural, state, and national planning. Since that time the sheaf of materials has grown substantially in bulk and variety. This increase of interest in the topic was inevitable. As in the world of abstract ideas every attempt to cut through to the heart of a problem lands us in metaphysics, to use the penetrating observation of William James, so in the field of municipal development any effort to follow the filaments of city planning to their roots leads us beyond the immediate urban area into the large and indefinite region of which it is a part. Anyone who has for a moment got away from the political aspects of a specific city government and taken up some particular question, such as transportation, knows how quickly he is carried beyond the legal boundaries of his municipality into its regional, state, national, and even international, relations. If anyone, perchance, has doubts on the point, let him spend a few hours with the 1920 report of the New York-New Jersey Port and Harbor Development Commission. Of course to adepts this is all trite enough, but it is an indication of what must be the inexorable drift in the thinking of those who are concerned with anything more than the decorative aspects of municipal design.

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In this process the business of regional planning has passed beyond the realm of speculation. The far-sighted and statesman-like operation of the Russell Sage Committee on the Plan of New York are full of promise and encouragement. The results actually achieved by *ad hoc* bodies such as the Boston Metropolitan Water and Sewerage Commission, the labors of the New York-New Jersey Port and Harbor Commission, the studies of Governor Pinchot's giant power board, and the achievements of Secretary Hoover, in impressing upon industrial engineers the necessity for more efficient coöperation—these and a hundred other events of recent times indicate that the way from speculation to action is not as long as the scoffers imagined. Another straw was tossed upon the wind recently by President Coolidge, a man not accustomed to extravagant reflections. In speaking to automobile men, he was moved to discourse on the "efficiency of great cities as business, industrial, and cultural centers," and in his address he declared that there was "need for concerted, fundamental, and courageous consideration of all the questions involved. . . . . They have to do with the elementals of social organization. . . . . The physical configuration of our cities, the direction of the mighty currents of the nation's commerce, and the continent-wide distribution of population and industry—these are included among the problems with which you gentlemen are dealing."

And yet, in spite of all that has been said and done, the development of urban planning has unquestionably lagged behind our magnificent technical and industrial advance. We have no doubt erected many impressive municipal buildings and constructed some splendid boulevards and parkways, but where is there a city that may be said to give to its citizens economic efficiency, physical comfort, and aesthetic pleasures that even approach the ideals which our artists and technologists are capable of projecting and executing? Failures to live up to our knowledge lie on every hand. San Francisco had a grand design drafted by Burnham; a great fire made an unparalleled opportunity to put it into execution; but the city was quickly reconstructed on the old lines in the main—so rapidly in fact that within a few years

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it was found necessary to tear down new and expensive structures to make room for the civic center which had been long in contemplation. Tokyo had a similar devastating experience; plans for a new city were all ready when the old was destroyed; but to this moment—more than two years after the disaster—it is not certain to what extent the former tangle of narrow streets will be swept away or adequate safeguards provided against a repetition of the holocaust. Washington, planned *de novo*, has never been able to live up to the original ideal. To take an example of narrower scope, New York has been discussing periodically since 1880 the removal of the railway tracks of the New York Central from the streets on the west side of the city, and it can still be said with truth that there has been no fundamental improvement of direct freight terminal facilities in lower Manhattan for half a century. Able men, ingenious men, and earnest men have labored at the task and made little impression upon the physical aspects of the problem. A thousand other examples could be cited to illustrate the amazing lag between our technical knowledge and our capacity to achieve on the basis of that knowledge. Evidently there is need for a scientific study of the forces which advance or hinder the execution of municipal plans.

At the outset, it is wise to remember that the municipal planning movement has grown mainly out of speculations concerning a more aesthetic and more efficient life, rather than out of some primordial urge among the masses toward order and symmetry. Although a certain crude layout of streets was necessary even in the earliest days of our history, the origins of the American city planning movement lie mainly in the realm of the fine arts. One of our outstanding pioneers, Charles Mulford Robinson, laid emphasis principally on the city decorated; poor in spirit was the business man or alderman who did not thrill as he gazed upon designs for plazas, boulevards, and public buildings—ignoring the fact that they were often "diamond crowns for leprous brows." At Harvard, it seems, interest in city planning has grown out of the study of landscape gardening. More recently, the technologist's quest for economic efficiency, which Secretary Hoover has made the Holy Grail of our modern Sir Galahad, has figured in

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the argument. New recruits have been drawn from that quarter. Any one of the engineers on that wing of the movement can point out enough wastes and follies in any existing system of urban economy to arouse the dullest apostle of "business as usual." To these advocates of urban planning may be added the workers in the field of public health, the housing reformers, and some social philosophers. The list of the zealots is then about complete. So it is hardly too much to say that aesthetics and scientific idealism furnish most of the drive behind the modern development in urban and regional planning. The literature of the subject reflects the predominance of these motives; it is concerned mainly with the aesthetic, legal, and technical aspects, with occasional glances at methods of financing. It seems to be quite generally assumed that any scheme which commends itself to a competent architect or engineer must of its own force command the allegiance of all men good and true.

Nothing could be more illusory. The architect or engineer tries to see material things steadily and as a whole, and ordinarily he has little patience with economics or politics. On the other hand, the people who possess the goods which he proposes to rearrange usually see things in relation to their particular requirements, and they are frequently adepts in economic and political affairs. To this the technician will respond: "Yes, but any sound regional plan will add to the riches and convenience of the community, and enlightened self-interest can be brought to see it." Theoretically, it would seem to be so, but in practice we know that self-interest is not enlightened automatically by the instinct of acquisition, and that instant concern with the bird in the hand is generally greater than remote concern with the bird in the bush. At all events, it is beyond question that our achievement in regional planning lags far behind our technical capacity to design and execute.

For this reason, it seems not untimely to ask for a deeper consideration of the economic forces which may be enlisted for or against the dreams and blue prints of artists and engineers, and the precise social and political modes in which those economic forces operate. In speaking of economic forces I do not refer

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to such matters as the industrial activities surveyed by the New York Plan Committee, or the freight facilities so minutely described in the reports of the New York-New Jersey Port Commission, or mere land values in the form usually discussed by advocates of special assessments, excess condemnation, and the single tax. Such topics have already been studied with a great deal of acumen by technicians. I refer rather to subjects not usually mentioned in polite society—to themes that are usually as tabu in academic circles as sex at a Boston tea party—to topics vulgarly known as special interests, private rights—acquired and potential—honest graft, and plain graft. Nor shall I attempt to distinguish between the just claims of special interests and their exorbitant demands, or between honest graft and plain graft. There are always fine shades of distinction which only casuists can resolve to their satisfaction.

The subject, it must be confessed, is full of dynamite. Perhaps only an unfrocked doctor *in partibus infidelium* could discuss it with impunity. Nearly everyone feels insulted when an observer on the side-lines mildly suggests, even in a purely scientific temper, that getting money is the fundamental, central, driving motive in the daily operations of commerce, banking, industry, real estate promotion, and merchandising, to say nothing of the more sacrificial professions such as law, medicine, journalism, teaching, and preaching. From long and bitter experience, I know that an army of vigilant editors lose their tempers whenever the subject is mentioned. And yet we are avowedly, boastfully, a business people engaged in making money. As Ruskin once remarked, if you want to know what the captains of our fate are really after, just ask them to operate on the theory that stockholders do not care about dividends, that white-collar people are indifferent to salaries, and working people are unconcerned about changes in wage schedules.

Only a purist, however, considers the play and the motive ignoble or undignified. There is a tinge of hypocrisy in the modesty that makes anyone blush when economical considerations are mentioned in his presence. But whether ignoble or not, the fundamental aim of people engaged in economic enterprise is to

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get money out of it, and anybody who expects to go very far in discovering the nature of modern social forces will have to take note of that basic fact. Could a doctor prepare himself for practice merely by watching the Easter procession on Fifth Avenue, or a bacteriologist equip himself for the purification of water supplies by studying orange blossoms? Natural science made its great forward advance when it climbed down out of the realm of rhetoric into the humble kingdom of organic and inorganic things.

The lesson seems to me to be obvious. The corollary is that regional planners who expect to get far beyond the blue print stage have a serious task before them. It is the task of analyzing and exposing to public gaze, on the one hand, the various economic interests that are likely to gain more money by keeping things as they are or by forcing an anti-social development, and, on the other hand, the economic groups that may be enlisted in virtue of their practical interests on the side of a comprehensive community scheme. The difficulties of such an inquiry are no doubt very great; the data are sometimes elusive and the repugnance to frankness is often baffling. None of our multitudinous research agencies which are busy running to and fro on the face of the earth have yet received any generous bequests for the prosecution of such a study, and the undertaking is beyond the strength and resources of any individual. But I am firmly convinced that until this inquiry is made in a scientific spirit and with meticulous attention to microscopic detail, our so-called social science, of which regional planning is merely one branch, will remain very much in the state in which Harvey found medicine and Descartes and Cavalieri found mathematical science. In the space allotted for this paper, only a few hints can be thrown out to indicate the character of the vast, amazing, and fascinating realm of economic forces open to exploration.

It will hardly be disputed that any important urban plan must have an enormous influence on land values, and that under our system of law and practice the major portion of all increments will accrue to the benefit of the fortunate, the wise, the experienced, the astute, the foresighted, and occasionally, the un-

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scrupulous. Take as a single illustration the Central Park plan in New York. Between 1858 and 1873, the city government invested about fourteen million dollars in that improvement, and within those years the value of the property in the three contiguous wards rose seven hundred per cent above the average increase for the city as a whole. Although not all of this increment could be ascribed to the Central Park plan, enough of it could be traced there to make the transaction significant in economics and politics. That operation has passed into history, but it still affords a wealth of materials for the student of dynamic regional planning. Would it not have been illuminating to the citizens of New York in those distant days to have had maps of the Central Park region with the names of the realty owners, mortgagors, mortgagees, and transferrees, dummies and all, duly laid before the public for inspection?

Even more striking are the illustrations that may be gathered from the economics of passenger transportation. Every regional plan affects this activity from every angle. Even those superficially conversant with the history of subway planning and construction in New York know that it was extremely difficult for the original promoters to convert an indifferent public to their projects in the first place, that enormous land values were created by the execution of their designs, and that speculation in traction stocks and bonds has been one of the prime factors in the dynamics of planning, construction, and operation down to the latest hour. Two mere bagatelles may be mentioned in passing. Within a short space of time the increase in land values of a single district lying half a mile on each side of one subway extension was $26,500,000 in excess of the normal rise, and nearly twenty millions more than the subway line in question actually cost. Another bagatelle. One of the transit companies operating within the metropolitan area has outstanding more than one hundred and fifty million dollars worth of five per cent bonds, to say nothing of sixty million in guaranteed stocks, other bonds, and other stocks. Within the past eight years the five per cent bonds have fluctuated in selling value from a figure somewhere around forty to something above seventy. News of one kind or another,

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authentic or inspired, will carry them up or bear them down. A thirty point swing means forty-five million dollars in values at least, and a mere ten point vibration, such as we have had within a few months, spells fifteen million dollars. The actual turnover in bonds is enormous and those who sit tight are kept in trepidation. Now what can a landscape gardener, an architect, an aesthete, or an efficiency engineer do in the presence of such a titanic force? Not so long ago, one of these companies spent in "accelerating public opinion," as one of its agents euphemistically remarked, and in fees and commissions of dubious propriety, more money within a brief space of time than the revenues of the American City Planning Conference will yield in a hundred years at the present rate of progress.

In addition to facing the landed interests, large and small, within his district and the local concerns engaged in transportation, the regional planner encounters even more potent forces in the railway companies whose freight and passenger business extends to the ends of this continent. To them the distribution of terminal facilities is a matter of immense significance. Indeed, now that competition in interstate rates is eliminated by federal regulation, the question of efficient terminals has become all the more exigent. A national railway system could be seriously handicapped to the very tips of its lines, and perhaps driven far on the way to bankruptcy, by unfavorable adjustments in the regional plans of three or four great terminal cities. For that reason any attempt to carry into effect a regional project must reckon with the powerful and vigilant interests of the railway companies concerned in it. They can bring effective pressure to bear in state legislatures, in city councils, and on manufacturers and shippers using their lines. They are not to be condemned for doing this. A railway management that does not fight to the last ditch any project likely to deprive it of competitive advantages or firmly resist any proposal likely to affect its earnings adversely—no matter how advantageous the scheme might be to the community as a whole—would be untrue to the trust imposed upon it by the stockholders.

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These generalities may also be illustrated by a concrete example, concerning which the present writer has had some personal experience. Every specialist who has studied the freight terminal facilities on the island of Manhattan knows that they are inadequate, and are far behind the advance of modern technology.

In addition, the New York Central, the one railway which has a terminus down in the heart of the island, operates its locomotives on the surface of the streets to the peril of life and limb, to say nothing of smoke and dirt, just as it did fifty years ago. Since 1880, as I have already remarked, the residents of the city have heard periodically of plans for modernizing these freight facilities. Since 1906 the matter has been vigorously agitated. Legislation has been enacted, commissions have been erected, and plans for improvements have been made by the score. But up to the present hour, the physical arrangements of this strategic railway company on the west side of Manhattan remain substantially as they were in the days of Queen Victoria and General Grant. And why?

Among the reasons for this state of affairs there are several of prime significance. They are known in local parlance as the New Jersey railroads—the companies that have their freight terminal facilities in New Jersey and must carry their Manhattan goods across the river by lighters. Influential in that group are the Erie, the Lehigh, the Pennsylvania, the Baltimore and Ohio, the Delaware and Lackawanna, and the Central Railway of New Jersey. They are already handicapped by the lack of a direct entry into Manhattan, and any radical improvement in the facilities of the New York Central would add new competitive handicaps to those already suffered by these companies. The New York Central has long been willing to take its tracks off the streets and modernize its freight facilities and at this very moment it is again preparing to accomplish that design. More than once it has been on the point of realizing its projects, only to be defeated by opposing forces, political and economic, and the fate of its present project hangs in the balance.

Now any regional plan for this metropolitan area must deal with this perplexing problem. Independent engineers who have studied the situation with great care for years seem to be generally

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agreed that the only economical solution is a project for bringing all the railway companies into Manhattan by a common trackage and tunnel system. The great regional authority, the Port Commission, urges that solution as absolutely necessary to the life of local commerce and industry. The New Jersey railways agree; it is to their interest to agree. The New York Central dissents; it is decidedly to its interest to dissent. As a background for this battle of the titans is the shifting scenery of politics at the city hall, at Albany, Trenton, and Washington. In saying this I do not question for one single moment the sincerity or honor of any of the gentlemen who play their rôle in this drama. It is their right and duty to defend the economic interests of their constituents, i. e., their stockholders. If they did not, their places would soon be vacant. They are open to no more criticism than lies against the Housatonic River for flowing down hill to the Sound instead of up hill to Lake Champlain. The point is that the regional planner confronts social forces which are as real as those handled by the hydraulic engineer, and it is not likely that he, or the public for whom he speaks—a public that at least has some of the characteristics of Mr. Lippmann's phantom—will advance very far in the conquest of urban chaos until he has applied his theodolite to the realities of his situation.

The regional planner must deal not only with the landed interest, the traction interest, and the railway interest; he must deal with the vested interests of the political gentlemen who govern the numerous communities within the larger metropolitan area. He must face what the fathers faced when they forced the federal constitution on recalcitrant commonwealths dominated by local statesmen with their constituents to represent and their jobs to hold—just as the heads of railway companies represent their constituents and hold their jobs. Now these political gentlemen are sometimes abused by reformers and purists—and frequently by the directors of great business enterprises—but the student of natural science does not abuse them. They, too, are forces with which the regional architect must deal, and they are formidable in numbers.

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The Regional Plan Committee of New York tells us that the area which it is compelled to study lies in three states and comprises about four hundred communities, each with its political spokesman of one kind or another. The Port Authority has eight counties or parts of counties in New York under its jurisdiction: New York, Kings, Queens, the Bronx, Richmond, and Westchester, Rockland, and Nassau; and nine counties or parts of counties in New Jersey: Hudson, Bergen, Passaic, Essex, Union, Middlesex, Somerset, Morris, and Monmouth. States, cities, counties, boroughs, towns, villages, and townships, with their cohorts of political representatives, must be considered by this Port Authority in making and executing plans—to say nothing of special commissions and regional bodies for particular purposes. Now each of these geographical districts for which the men of politics must speak has its own set of interests to protect and advance, and if those temporarily in office fail at the enterprise they will lose their jobs and find their places taken by more competent hands. Getting and keeping jobs are in themselves economic operations, more or less inevitably connected with the general processes of public service. The salary roll of political persons likely to be adversely affected by the regional readjustment is as real as the "general purpose account" of a public utility concern.

Space does not permit a more elaborate analysis. Indeed this paper is designed as a hint, not a survey. The only conclusion to be drawn from it is that while engineers and artists are dreaming dreams and seeing visions, the economists should be busy with microscopes.

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THE FUTURE OF THE CONSULAR OFFICE

PITMAN B. POTTER

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The consulate is an old and a dignified office. Through various vicissitudes the consul has come down to us from the days when, with the dawn of new courage and enterprise, the closing of the Middle Ages saw the revival of international trade and travel in the twelfth and thirteenth centuries.[1] Hence the future of that office must be of considerable interest from an historical point of view, to say nothing of the interest which all of us who expect to do any foreign traveling ought to feel in the fate of the traveler's best friend. All of this is doubly true in view of the fact that serious changes in the consulate are in point of fact impending, or even taking place before we have had time to notice them.

Almost everyone who has even a slight acquaintance with the history of international relations is aware of the way in which the consular office has already lost much of its old standing through the abolition of privileges of extraterritoriality in modern states.[2] Originally, the consul was a judge in many cases between citizens of the state which he represented who were permanently, or even only temporarily, residing abroad. Today in all Western states he has come to exercise judicial powers only with respect to seamen on vessels flying the flag of his appointing state. The result has been a great diminution of his powers and prestige, a change so pronounced and of such long standing that few nowadays appreciate the great dignity and influence of the consular office in its earlier history.

[1] Potter, P. B., *International Organization* (rev. ed., 1925), Chap. V. Inasmuch as this paper is intended to be a study of a selected problem of international organization as it appears to the writer, references are made only to the writer's *Introduction to the Study of International Organization* for the setting of the problem, and to primary materials for the facts of the current situation.

[2] *Ibid.*, 69.

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In our own day we are witnessing the extension of this development to the Oriental states where alone, in recent years, extraterritorial privileges and consular judicial functions have survived. The Western powers renounced their privileges of extraterritorial jurisdiction in Japan in 1899.[3] Similar action has been taken by the powers in regard to Siam,[4] and even Egypt and Morocco seem to enjoy a fair prospect in this direction.[5] The action of Turkey in attempting in 1914 to abrogate by unilateral declaration the extraterritorial privileges enjoyed by Western powers in her territories was finally confirmed in the treaties signed at Lausanne in the summer of 1923.[6] Agreements were adopted at the Washington Conference on Limitation of Armaments and Far Eastern Questions looking to the same result for China.[7] When this process shall have proceeded to completion the consul will obviously have been reduced very definitely in power and importance as an international figure.

It is not, perhaps, so well realized that prior to the developments just described the consular office had already lost ground as a result of the establishment of permanent diplomatic representatives in the capitals of the various states of the world.[8] The early consul was to a large extent not merely a judicial or administrative officer. He was also a diplomatic representative charged with the conduct of political relations between his home state and the state in which he was stationed. That these relations were not as manifold and comprehensive as they are today, and that the action of the consul in this connection was not as fully developed or elaborately standardized as is the action of

[3] *British and Foreign State Papers*, Vol. LXXXVI, p. 39, for British treaty; *Treaties between the United States and other Parties*, Vol. I, p. 1028, for United States treaty.

[4] Documents in *British and Foreign State Papers*, Vol. CII, p. 126, Vol. CVII, p. 750, and *American Journal of International Law*, Vol. XVI, Supp., p. 25. See also Treaty of Versailles, Art. 135, and Treaty of St. Germain, Art. 110.

[5] Treaty of Versailles, Art, 142; Treaty of St. Germain, Art. 97; for Morocco, same, Arts. 147, 102, and for Egypt, British Proclamation of 28 February, 1922.

[6] Treaty of Lausanne (Turkey and Allied Powers), Art. 28; Treaty between Turkey and United States, Art. 2.

[7] Resolution No. 4.

[8] Potter, *op. cit.*, pp. 69–70.

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the diplomat of today, does not diminish the importance of the fact that such relations and negotiations as were carried on were entrusted to the consul. Nor does it diminish the importance of the fact that with the establishment of permanent diplomatic representatives this function was lost by the consul. The result was that the subsequent loss of judicial functions came as a second and cumulative impairment of the original consular rôle. By the middle of the eighteenth century the consul had thus been reduced to a position so unimportant that there was serious danger of the office disappearing entirely from the field of international organization and practice.

The consul was saved for modern international usage by the greater development of international trade which came about in the succeeding one hundred years.[9] When the increasing foreign trade of the Western powers began to give them an interest in obtaining information concerning, and in possessing commercial representatives in, the territories of other powers, a new use was found for the consul. This development manifested itself particularly in the life of the great trading states, such as Great Britain, Holland, and later the United States. The Continental states generally allowed their consuls to remain on the plane of the somewhat reduced activity already described, and were slow to utilize their consuls for commercial work. But the British and American consuls were assigned such work in ever-increasing volume during the nineteenth century, until today consuls of European and other non-English countries have been allotted some functions in this direction also. The result has been to provide the consul with a body of work which amply supplements the activities remaining in his hands from other days.

While this development was taking place other changes also occurred which seriously affected the consul, some of which tended to strengthen, some to weaken, his position.

Thus, the use of the consul for commercial purposes threatened

[9] See the excellent description of this process in C. L. Jones, *Consular Service of the United States*, 59, 102–107. Jones considers that the development of the commerce function increased the public character of the consul's position; but it is believed that reflection will show this to be a mistaken view.

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at first to reduce him from his already lowered status to that of a mere unofficial trade agent. For a time, particularly when foreign commerce was as yet a purely private activity in which governments took but an indirect interest, British and American authorities were inclined to regard the consul as a merely private, or at best a merely semi-official, commercial representative.[10] In this they were opposed to the view of the European governments, which had in the main retained the original conception of the legal status of the consul in spite of his somewhat diminished activities and powers.[11] Eventually, however, as a result of influences to be noted later, the Anglo-American view gave way, and today the consul emerges from this particular controversy with his official character vindicated. He is a commissioned officer of his government and not merely a commercial traveler, even though in the field of commerce he still serves private business more than any direct official interest of his government.

The use of consuls for commercial purposes also opened the door to the use as consuls of merchants already residing abroad, in place of persons sent out by the home government, and even to the use in this capacity of alien merchants resident and trading at their homes in foreign lands.[12] This was not entirely new, for in the earliest days of the consular office merchants residing abroad for private trading purposes, and even alien merchants in foreign lands, were appointed to the consular function by states desiring to avoid the necessity of sending out from home men to do such work, with all the expense and difficulty which such action would entail. But even in these earlier days such practices hampered the full development of the consular office, and when they were repeated in conjunction with the attitudes described in the preceding paragraph the effect tended to be serious. Happily for the consul as a figure in international life, the growing nationalism and the improved efficiency of national governments

[10] *State v. de la Foret*, 1820, 2 Nott and McCord 217, and English cases there cited. In the course of its opinion in this case the court said of the consul: "He is no more than a commercial agent, attending to individual concerns."

[11] E.g., Clerq and de Vallat, *Guide Pratique des Consulats*, 1898, at § 3.

[12] Potter, Chap. VI, pp. 75-76.

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in the later nineteenth century led these governments to condemn such practices and to attempt to nationalize their consular services and fill them with appointees trained and selected for the work and sent out as other national agents from the national capital.[13] Again the consul was strengthened in his status as a public official.

On top of these developments have followed two others which seem also to fortify the position of the consul and place him today in a position of greater power and importance than ever before.

For one thing, international trade and shipping have increased in magnitude and importance to unheard-of proportions.[14] The national governments are interesting themselves in the development of the foreign trade of their citizens as never before, while the value and the activity of that trade have increased beyond anything anticipated a century ago. The future promises to see no diminution of this process, but rather an intensified activity in this direction by private individuals and governments alike. The consul might, therefore, expect to rise to heights of power not previously equalled and to rival his colleague the diplomat, if not actually to surpass him, in importance and prestige.

At the same time, the number of persons belonging to his appointing state who are traveling or residing abroad is on the increase.[15] These persons must look to the consul for protection, by virtue of the original function of the consul as judge and protector of his fellow citizens.[16] The protection work of the consul is a reflection of his judicial work of earlier days. While that reflection is somewhat paler than the original, it has become more and more ubiquitous as the bulk of such work to be done has increased with increased foreign travel and foreign residence. When we take into account the way in which this work is organized in the consular districts into which each state subdivides

[13] Aliens are now entirely barred from admission to the foreign service of the United States. Act of 24 May, 1924, Sec. 5.

[14] See statistics in *World Almanac*, 1925, at 311, 718, and in *Whitaker's Almanac*, 1924, at 514.

[15] *Ibid.*

[16] For a statement of protection work of United States consuls, see *United States Consular Regulations*, 1924, Art. X.

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every other state, and the manifold powers which the consul has delegated to him in this connection by his home government, we see the remarkable extent to which the states of the world, through the consul, govern their citizens even when they are traveling or residing abroad in other states, in spite of the abolition of extraterritoriality.

With this work on behalf of tourists and foreign residents is to be included (a) the work of the consul on behalf of seamen[17] on ships flying the flag of his government and seamen claiming citizenship in his state, a still more direct survival of the original judicial powers of the consul, and (b) the various functions assigned to him in assisting in the enforcement of the customs, quarantine, immigration, and navigation laws of his government.[18] It will thus be clearly seen that, in addition to his commercial importance, the consul is one of the most active and serviceable of public officials ever developed in the history of government.

The present appearance of the position of the consul is, however, deceptive. The very factors which have increased his importance are operating powerfully to produce results which may not stop at having developed the consular office to its present position. They may continue in operation to induce developments in which the consular office will be superseded, not because of its lack of utility, but because the scope and importance of the interests intrusted to its care demand more protection than even the consular office in its present extended form can give.

The increased importance of international trade is now a matter of concern not merely to the individual trading nations. It is a matter demanding attention on the part of all members of the community of nations; in other words, it is a thing of general international concern. It is therefore a subject very likely soon to be put forward for regulation by international action. In the past, international trade has not only been left mainly to private individuals; it has also been left to be conducted by these persons

[17] Work on behalf of seamen: *Regulations*, Arts. XII–XVIII.

[18] Work on administration of national legislation: Arts. XI, XX, XXII. From this point onward the "protection" work of the consul is intended to include the items mentioned in this paragraph.

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more or less free from any international regulation. Suddenly there appear tendencies for increased governmental participation in that trade, and also for increased regulation of private international trade by national action and international agreement.[19]

That regulation might take the form of simple commercial treaties, left for enforcement to the nations signatory to these treaties and to their consular officials. This would not greatly change the present status of affairs, for consuls today have, as one of their chief duties, to watch over the application of commercial treaties between their home government and the local state. But if international regulation of world trade and the raw material of world trade, of the mineral and agricultural products and even the finished manufactures carried in world commerce, is to mean anything at all it will demand not mere bilateral treaties of the old type but general international conventions of quite a different character. It will also require the establishment of international commissions and bureaus for the application and enforcement of these conventions.

In other words, the very cause which has made the consul so important today, i. e., the increased magnitude and importance of international commerce, is likely to continue to operate until it calls forth a type of international organization and practice which will supersede the consul. In so far as oil or wheat or cotton or steel receive the sort of treatment provided in 1902 for sugar,[20] or more intensive regulation, the free trade in these commodities will be restricted and the familiar activity of the consul in promoting national trade in these commodities will be blasted.

There appears at this point one possibility which cannot be ignored in any consideration of the future of the consul. Just in proportion as international organizations are created for the regulation of international commerce, a need will be felt for field agents to administer such regulations as are adopted. And who but the consul could so well serve in this capacity? Thus the consul

[19] See discussion in *First Assembly of the League of Nations, Plenary Sessions*, 9 Dec., 1920, of international control of raw materials; also W. S. Culbertson, *International Economic Policies*, Chap. I.

[20] Hertslet, *Commercial Treaties*, Vol. XXIII, p. 579.

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might be drawn aside from national promotion work and drafted into international regulation work. From a national agent, the consul might become a unit in an international civil service under various international bureaus or the administrative or executive branch of the League of Nations. The need for—and the appearance of—an international civil service have already been pointed out. May not the consul be drawn aside into this field and thus saved instead of discarded, and not only saved but put to increased use as time goes on?

Such a development is not impossible, but it hardly seems feasible until certain other changes have come about. The consul today is too much of a national agent to make such a development easy, and in the years immediately to precede the taking over of international commerce for international regulation the competition among the nations will be keener and more vigorous than ever. The national consul, if left in commercial work at all, will be utilized by the national state for its own purposes to such an extent that if any international civil service is to be created it must be created from persons freer than he to give untainted allegiance to the international purposes and institutions they are to serve.

The most serious threat to the future of the consular office, however, comes from the national government itself. While it has raised the consul, for its own purposes, to a position of unprecedented power and importance, it has been reaching out in other directions also. New departments of commerce have been created in national governments, and these departments of commerce have begun to enter the field of international trade promotion to an extent dangerous to the position of the consul.[21] Again the very importance of foreign trade has raised up another competing institution which threatens the consular office from another side. The threat from the growth of international administration is not so imminent and real, for the time, at least, as that from the side of the national commerce department, although it probably is destined to be more serious in the end.

[21] See for the United States, *Foreign Service of the Department of Commerce*, issued by the Department.

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As a matter of fact, the consul might very well be glad to seize the opportunity to escape from the burden of commerce promotion work. As far as concerns the carrying on of investigations and the compilation of statistics, making reports and answering inquiries concerning trade opportunities, the consul has two legitimate grievances. Such activity takes much time and energy and detracts from his ability to perform his proper protection work on behalf of fellow citizens and his work in behalf of the police legislation of his government (immigration, quarantine, and so on), not to mention his duties in connection with shipping and seamen. Moreover, he cannot hope to compete, in sending in commerce reports, with the field agents of the commerce department—commercial attachés or other investigators—who are trained especially for the making of economic investigations, who are often professional statisticians, and who have no protection work or administrative work to prevent them from giving all of their time to these investigations. Finally, the consul who is true to the traditions of the office and who has any true realization of the practical exigencies of the situation in which he is placed must resent being taken from the dignified and important judicial and administrative work of his office to be made into something of a commercial drummer for a soda-water manufacturing concern back home. He knows, moreover, that in connection with competitive commodities—and the self-selling non-competitive commodities are not the ones which call for "promotion"—it is in just this field of action, by just this sort of promotion work, that the consul is most certain to antagonize local business men and the national and local governmental officials with whom he must deal and to whom he must look for the effective accomplishment of his protective activities on behalf of fellow-citizens. All this is intensified when, as is almost inevitable, the commerce department takes all the credit for the resultant expansion of the national foreign trade, and the administrative superiors of the consul are ready to take him to task for both the deficiencies in quantity and quality in his commerce reports and any neglect of protection work as well.

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It cannot be said that the consul is either protesting, along the lines just indicated, or demanding relief. He is too good a public servant to rebel. He seems to enjoy hard work. He enjoys the sense of importance which accompanies each added piece of work. He is jealous of the commerce department and wants to show how well he can do his commerce work, and does not want to yield to that department any of his present functions. It ought to be recognized, however, that the consul is undertaking an impossible task. The mass of his protection and administrative work is increasing rapidly. The demand for increased commerce promotion is becoming more vigorous. The two functions are incompatible in their nature and in the amount of time and energy which they demand. And if the foreign affairs department, interested in the protection work, does not—as there seem to be few indications that it will—of its own accord turn over the foreign commerce work to the commerce department, the latter, when it has finally put itself in a position to do the commerce work now performed at so much expense of time and labor by the consul, will almost certainly demand that it be allowed to take over that work or will go ahead with such work and leave the commerce work of the consuls to come to an end of itself.

Now it so happens that just as these developments are taking place on one side of the consular office another development is taking place on another side, destined to reinforce the effect of the former and constitute the decisive factor in the situation. There has appeared in several countries an inclination to consolidate the diplomatic and consular services into one foreign service. Action looking to this result has been taken in Belgium, Denmark, France, Great Britain, Germany, Italy, Norway, Sweden, and the United States, if not elsewhere.[22] The effect of this action on the status of the consular office, and both the actual and alleged reasons for the action, with what they have of light to throw on the question which we are discussing, are worthy of consideration.

The principal reason for the amalgamation of the consular with the diplomatic service seems to be the clumsiness, from an ad-

[22] *American Consular Service Bulletin*, Vol. III, No. 3, p. 2, and Vol. VI, p. 242.

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ministrative point of view, of maintaining two services in the field at the same time. It is also felt that interchanges of personnel between the services may be beneficial to the services. Finally, it is felt that, international economic relations being as important as they are coming to be, the diplomatic service needs strengthening on this side. The last reason reënforces what has been said on this score above, but it does not take account of the activities of the commerce department in this field, nor of the fact that the action of the diplomatic representative in this connection must be that of negotiating treaties, and similar tasks, rather than that of trade promotion or statistical investigation in the manner and on the scale now attempted by the consul. At the same time, the plan of interchanging personnel and getting rid of two distinct services implies in a startling manner the possibility of disregarding the peculiar position now occupied by the consul.

For in any such amalgamation the consul is bound to be subordinated to the diplomat. The latter represents all the interests of the home state, its foreign policy as a whole. He is therefore, in the very nature of the case, placed in a position of superiority with reference to the consul. His superior authority has found expression in the past in many rules regulating their relations and giving him some supervisory power over the consul.[23] The primary result of the amalgamation of the two services, therefore, is bound to be to destroy the somewhat independent position hitherto occupied by the consul and to bring him into even closer subordination to the diplomat. He could never occupy a rank above the diplomat; if an attempt were made to abolish the different designations "consul" and "diplomatic representative," that which would be adopted for the single new representative would certainly be something very near to the latter, in view of the absolute, rather than relative, indispensability of the diplomatic representative. Hence the only hope for the consul lay in maintaining his independent position. Now that this bids fair to be lost, the consul can expect but one result, namely,

[23] *Regulations*, Art. VII.

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to become eventually the provincial agent of the ambassador or minister in the capital.

Weight is lent to this conclusion by a review of what was noted concerning the current developments in the commercial and protection work of the consul. If, as was suggested, the commerce work of the consul should be transferred to the department of commerce, and if, as is the actual case, the protection and administrative work of the consul continues to increase, the incorporation of the consul in the diplomatic service—so to speak, for of course this would mean the abolition of the consular office in name at least—would be all the more appropriate. With all protection work—that portion which is now performed by the consul and that portion which is performed by the diplomat—concentrated in one service, and that the service most closely in touch with the central government, the protection work would gain greatly in efficiency and influence. With all commercial work—that portion now in the hands of the consul and that in the hands of the commerce department—concentrated in one quarter, the commercial work would gain in effectiveness by being placed in the hands of those best equipped to do it and those having no other duties to perform, while those agents engaged in protection work would be relieved of the embarrassment sometimes felt in their present ambiguous rôle. Needless to say, the persons performing commercial services, like those performing services in the foreign field for any department of the national government, should and would be under the general supervision of the diplomatic service.

One further result might be expected as far as the consular office is concerned, and the desirability or appropriateness of that result does not detract from the probability of the developments above outlined. That is a standardization of the position, and particularly the powers and immunities, of the consul at international law. Today consuls are exchanged between the members of each pair of states almost entirely as a result of a particular consular convention. We find no counterpart of this convention in the diplomatic field except an informal agreement to exchange diplomatic representatives of standard ranks, which is quite

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different from the consular convention.[24] The consular convention regulates in detail the rank and powers of the consular officers to be appointed under it. The rank and powers of diplomatic officials are standardized by general international law. Finally, the privileges and immunities of consuls are merely stated to be those which are necessary for the performance of their work, which leaves matters in a vague and unsatisfactory position.[25] The privileges and immunities of diplomats have been worked out in general international law to a reasonable degree of precision and completeness. If the consul becomes part of the diplomatic service we may count on either a thorough overhauling of this whole branch of the law, and its revision and codification by international agreement, or the extension of the rules of law relating to diplomats to the newly acquired provincial agents of that service.

It may well be felt that what is here suggested is an extreme view not warranted by the facts. For it means the disappearance of the consul as we know him. Moreover, one very familiar with this whole subject and entitled to be heard in any discussion of the consular office has recently declared that the consular office is a natural human function, inescapable in its essentials as are discussion, legislation, adjudication, and the other essential activities or phases of government among men.[26] Finally, can it be true that we are faced by circumstances so radically different from those which have gone before that we are likely to see the disappearance of an office which has existed for some eight hundred years, and which, moreover, seems to be in a position of greater power and importance today than at any time during those eight centuries of laborious and honorable service?

The reply seems to be that there is less divergence between the views set forth above and the challenges contained in the last

[24] Compare consular convention in *United States Statutes at Large*, Vol. XXXVII, p. 1479, with news item in *New York Times*, 1 January, 1922, p. 14, where the connection between recognition of new governments and reception of diplomatic representatives is also brought out, still further confirming what is said in the text.

[25] See discussion in *In re Baiz*, 1890, 135 U. S. 403.

[26] United States Consul-General Wesley Frost, quoted in *American Consular Bulletin*, Vol. III, No. 4, 5.

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paragraph than would appear at first sight. We can, and must, agree at once that the consular *function* is an indispensable function in human society. Indeed, we may insist that that function is more needed today than ever before in human history. We should, however, insist also that that function is essentially the protective and administrative function. For what is the consul as we know him? An ambiguous person who is part public official and part private merchant, in spirit if not in law—a person or official whose extraordinary volume of duties indicates that some abnormal processes have been at work in the development of his present position. That that position is higher today than ever before since the appearance of consuls in the beginning of the twelfth century is true, though this fact by itself may indicate either sound growth or unsound inflation. Finally, the revolutionary changes in international trade and travel during the past two generations are surely sufficient to account for both that abnormal inflation and the desirability of rearrangements which will restore the consul to a normal position.

In conclusion, what is here suggested? Mainly that the consular office be purged of its nineteenth-century excrescence and restored to its original estate. The name may disappear, but after amalgamation with the diplomatic service it would be perfectly clear that the bulk of the foreign service would be composed of officers performing functions essentially consular in form. The adjustment of the consular functions within the diplomatic service would be simple because there is no such antagonism between them and the essential work of the diplomat—observation, representation, negotiation—as between them and commerce promotion work, and because the diplomat already performs, albeit grudgingly, some protection work himself. If the diplomat appeared, in name at least, to sit on the top of the pyramid and lord it over the corps of workers beneath him, no one would be deceived. That comparatively recent and comparatively unserviceable officer might well be overtaken by a fate similar to that which is here pictured as overtaking the consul, as a result of the de-

[27] See remarks by Professor De Visscher quoted in *New York Times*, 17 August, 1924, p. 5.

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velopment of international conferences and similar practices which need not be described to be recognized.[27] The final result would be to leave the consul, or his successor, in undisputed possession of the field. For no development of international government can render the protection work of consuls superfluous until or unless they are replaced by or take service in an international police force—in a sense in which that phrase is not commonly used. Shorn of their invidious commercial duties, this they might do. In such an event, or in the course of events already described, the consul would remain one of the most significant figures in international practice, and much more true to his historic and essential character than he seems to be today.

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FAMILY VOTING IN FRANCE

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One of the results of the federal form of government of the United States, under which suffrage and elections are made primarily the concern of the several states, has been the comparatively small part played in practical national politics by controversies relating to voters and voting. The great reform bills and representation of the people acts in England, as well as the conditions in that country under which the acts were adopted, have no close parallels in American political history. Still less closely does the history of this country in these matters resemble that of France. The experience of the Third Republic has been filled with controversy concerning the organization of the electoral power. The limits to this organization are indeed set by the stipulation of the constitution that "the Chamber of Deputies shall be elected by universal suffrage";[1] but within these limits considerable latitude for change is assured by the qualifying phrase, "in the conditions determined by electoral law." Change has been frequent, and change has been attended by the controversy mentioned. Thus, there have been since 1875 no fewer than five alternate adoptions of *scrutin uninominal* and *scrutin de liste*;[2] and since the separation of church and state was consummated in the beginning of the present century, the question of electoral reform has probably been the chief single issue of internal French politics.[3]

[1] *Loi relative à l'organisation des pouvoirs publics* (25-28 février 1875), art 1er, §2: La Chambre des députés est nommée par le suffrage universel dans les conditions déterminées par la loi électorale.

[2] Esmein, *Éléments de droit constitutionnel* (7e éd., Paris, 1921), T. II, pp. 298–299; Duguit, *Traité de droit constitutionnel* (2e éd., Paris, 1921–1924), T. II, pp. 564 ff.; Hauriou, *Précis de droit constitutionnel* (Paris, 1923), p. 535 n.

[3] Carrère et Bourgin, *Manuel des partis politiques en France* (Paris, 1924), p. 14. Cf. also Lavisse, *Histoire de France contemporaine*, T. 8e, *L'évolution de la 3e République*, par Ch. Seignobos (Paris, 1921), pp. 269 ff.

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There is one suggestion for electoral reform in France which has recently been demanding and receiving increasing attention, and its adoption in a reasonably near future is by no means unlikely. The proposed reform is what is known as "family voting."[4] In the form in which it is usually advocated, its adoption would give to France an absolutely unique electoral system;[5] and yet advocates of the sytem are found amongst all French political parties, radical and conservative alike. Some of the details of proposed schemes for family voting will presently be set out; but in general the system, as its name implies, posits the family rather than the individual as the basis of suffrage. It assumes the monogamous family as the proper basis of society;[6] and it advocates the desirability, and even necessity, in view of the alarming situation concerning depopulation in France,[7] of incorporating this assumption into the governmental system by means of electoral reform. The argument in its simplest form is

[4] The bibliography for the subject is not extensive. Perhaps the most satisfactory single work is André Enfière, *Le vote familial* (Paris, 1923). The two principal university theses are Landrieu, *Le vote familial* (Lille, 1923), and Fosse, *Le vote familial* (Montpellier, 1924). Two earlier theses are Carpentier, *L'organisation de la famille et le vote familial* (Paris, 1913), and Boucairan, *La famille nombreuse dans l'histoire et de nos jours* (Montpellier, 1920). For documents and works other than those cited in the notes of this article, reference may be made to the bibliography contained in M. Landrieu's thesis, pp. 99–100.

[5] Enfière, *op. cit.*, p. 42, and preface by J.—L. Breton, p. 5. Certain pre-war statistics are of interest. In 1914 there were 11,185,078 voters, of whom 8,586,355 voted. The proposed system would in 1914 have given about 38,000,000 voters. The population of France in 1911 was 39,602,200 or, with foreigners subtracted, 38,032,296. In addition to the 11,000,000 voters, the remainder of those who would have been affected by family voting was thus distributed: married women, 8,140,000; widows, 2,385,000; divorcées, 85,000; daughters over twenty-one, 2,000,000; boys, 7,400,000; and girls, 6,780,000. These figures are taken from J. O., 1920, Docs. Ch., no. 252, pp. 288 ff.

[6] Landrieu, *op. cit.*, pp. 7–12, p. 30. The influence is largely that of Le Play, Victor Hugo, Auguste Comte, and others of this school.

[7] This situation is sketched in many places, e.g. Landrieu, *op. cit.*, pp. 43 ff; Fosse, *op. cit.*, pp. 159 ff.; Enfière, *op. cit.*, pp. 13 ff. It is the illustrious French economist, Charles Gide, who is responsible for the famous expression: "La France est un îlot de sucre qui fond." M. Fosse concludes his thesis with these words: "Il s'agit donc, pour notre pays, d'une question de vie ou de mort. Si pour vivre, il faut bouleverser nos institutions présentes et opérer d'audacieuses réformes faisons-le sans hésiter, tant pis pour les principes."

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this: a parliament elected by the system of family voting will represent the nation in terms of its true unit, the family; the laws made will have due regard for the family as the basis of society; and in the result France will be saved from its threatened destruction.

An electoral system for which so much is claimed cannot fail to be of interest to the student of political science. It seems well to trace the history of the advocacy in France of the adoption of family voting, to set out some of the details of the various plans proposed, and to examine the arguments which are to be marshalled both for and against the suggested reform.

Although family voting in the forms advocated in France has never, as was said above, been adopted in any country, and although serious advocacy of the system belongs to very modern times even in France, the researches of students in this special subject have revealed historical supports for the cause; and any student may trace the brief history of various proposals for the adoption of the reform in France. Thus, it is pointed out that there existed at Athens and at Rome electoral organizations based on the family.[8] When these were replaced by organizations essentially territorial, the political influence of the family ceased to be felt until the feudal period.[9] Its former importance was revived at this time; but, already lessened at the end of the Old Régime, it was destroyed by the Revolution.[10] Reaction from the Revolutionary attitude belongs to the recent history of France.[11]

[8] These were the organizations replaced respectively by the reforms of Cleisthenes and of Servius Tullius. Cf. Hauriou, *op. cit.*, p. 614, and Fosse, *op. cit.*, pp. 63 ff.

[9] M. Fosse (*op. cit.*, pp. 78 ff.) has unearthed many instances in which the political rôle of the family has in mediæval and modern times been recognized in foreign legislation. The most striking mediæval examples are Andorra and San Marino. The reform bill of 1832 in England mentions the head of the family; and in some way recognition is made of heads of families in Mexico, Chili, Equador, Peru, Salvador, Hungary, Spain, Portugal, Sweden, Brazil, and Belgium. The last-mentioned country naturally receives especial attention in France. Reference may be made to Barthélemy, *L'organisation du suffrage et l'expérience belge* (Paris, 1912), and Dupriez, *L'organisation du suffrage universel en Belgique* (Bruxelles, 1901). Cf. also J. O., 1911, Docs. Ch., p. 2200, p. 2201; Landrieu, *op. cit.*, p. 17.

[10] Cf. Hauriou, *op. cit.*, pp. 614–15; Fosse, *op. cit.*, p. 77.

[11] The reaction is attributed to Le Play and his school. See Fosse, *loc cit.*, and cf. Landrieu, *op. cit.*, pp. 30–36.

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Lamartine is claimed as the first supporter of family voting in France,[12] but all others who have proposed the adoption of the system belong to the period following the fall of the Second Empire. The first name demanding attention in that of M. le baron de Jouvenel. On July 31, 1871, he introduced[13] into the National Assembly a proposal[14] for organizing the suffrage with the family as a basis. "It ought," he declared, "to be proclaimed aloud that everyone has the right to be represented in the polical arena. The only thing is that this right may be either directly or indirectly exercised, depending on personal capability or on permanent or temporary incapacity." As so often happens, the principle proposed by M. de Jouvenel was to some extent obscured by the efforts of two other gentlemen[15] to amend the proposal in certain details; but only a few members of the Assembly were sympathetic with any of the suggestions.

No further attention seems to have been given in Parliament to the proposed reform during the remainder of the nineteenth century. In the last years of the century, however, the question received some notice outside Parliament. In 1896, the demographic situation became responsible for the founding of the *Alliance nationale pour l'accroissement de la population française*;[16] and two years later notice was taken of the question in the *Académie des sciences morales et politiques*.[17] In the latter body, M. Picot protested against giving to bachelors and to fathers of families equal power in voting, declaring that it is "an effort

[12] Cf. Landrieu, *op. cit.*, p. 13. On the marble façade of the Hôtel du Cheval Blanc at Bergues are these words of the poet: "Un jour viendra, je n'en doute pas, où le père de famille aura autant de voix qu'il y a de vieillards, de femmes et d'enfants à son foyer, car dans une société mieux faite, ce n'est pas l'individu, c'est la famille qui est l'unité permanente. L'individu passe, la famille reste; le principe de la conservation sociale est là; on le développera pour donner à la démocratie autant de stabilité qu'à la monarchie."

[13] J. O., 1er août 1871, p. 2350.

[14] J. O., 22 août 1871, p. 2871, annexe no. 435. Cf. J. O., 1920, Docs. Ch., no. 252, p. 290. See also Landrieu, *op. cit.*, p. 13-14; Fosse, *op. cit.*, pp. 94 ff.

[15] M. de Douhet and M. de Gueydon. J. O., 2 août 1871, p. 2373.

[16] Landrieu, *op. cit.*, p. 14. This organization publishes a *Bulletin* at 10 rue Vivienne in Paris.

[17] *Séances et travaux de l'Académie des sciences morales et politiques*, T. 49 (1898), p. 138. Cf. Landrieu, *loc. cit.*

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against nature." In the present century, extra-parliamentary interest, it may be well to note before returning to the parliamentary history of family voting, has increased.[18] Various leagues of fathers of families[19] have been formed, and a federation of these leagues held a meeting in Bordeaux in 1920. More official bodies have not neglected the matter. Many of the *conseils généraux* of the departments have demanded the adoption of family voting, and similar support has been given by a number of commissions instituted in the departments by the ministry of hygiene.

The first occasion during the twentieth century on whic attention was directed to the reform in Parliament was a ste taken in the Senate in 1901. In November of that year, that bod decided to set up an extra-parliamentary committee to examine the question.[20] There were, however, no results of this move. In the Chamber of Deputies, a serious proposal for the adoption of family voting was made by M. Lemire in 1911.[21] This measure of the veteran abbé-deputy was not discussed at the time in the Chamber, but in slightly modified form it was reintroduced in 1914 and, as will appear, again in 1920. Once more in 1914,[22] the adoption of family voting was advocated in the Senate. Nothing came of this effort, and the same is true of two proposed measures introduced into the lower chamber during the World War. One of these was sponsored by M. Peyroux in 1917,[23] but more important was the proposal of M. Henry Roulleaux-Dugage submitted in 1916.[24] M. Roulleaux-Dugage is now,

[18] Cf. Landrieu, *op. cit.*, pp. 18–23.

[19] *Ibid.*, pp. 99-100. M. Landrieu gives references to the minutes of various meetings of such leagues as well as to those of the *conseils* and commissions mentioned.

[20] Landrieu, *op. cit.*, p. 15. Cf. *Revue hebdomadaire*, 1er mai 1909.

[21] J. O., 8 juillet 1911, Débs. Ch., p. 2664; J. O., 1911, Docs. Ch., no. 1135, p. 2200. Cf. Landrieu, *op. cit.*, p. 25; Fosse, p. 105.

[22] J. O., 1914, Docs. Sén., no. 325, p. 635. Cf. Duguit, *op. cit.*, T. II, p. 451; Landrieu, *op. cit.*, p. 15-16.

[23] J. O., 1917, Docs. Ch., no. 3910. Cf. Landrieu, *op. cit.*, p. 16.

[24] J. O., 1916, Docs. Ch., no. 2618, p. 1593; and cf. J. O., 21 octobre 1916, Débs. Ch., p. 310; J. O., 1920, Docs. Ch., no. 252, p. 288; Landrieu, *op. cit.*, p. 16; Fosse, *op. cit.*, p. 115.

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indeed, the principal parliamentary champion of family voting. He abandoned his measure in 1916 in order to make way for the serious questions raised by the war;[25] but it will be seen presently that he has returned to the attack since the armistice, and it is unlikely that he will rest during his life-time unless the reform which he considers so important becomes part of the law of the land.[26]

In recent years, family voting has reached the point of being discussed in plenary session of both the Senate and the Chamber of Deputies. In the upper house, M. de Las-Cases introduced on July 11, 1919, a proposal[27] similar to the measure formulated in the Chamber of Deputies by M. Roulleaux-Dugage. The Senate referred the measure to its committee on woman suffrage, and in October a report unfavorable to the principle of family voting was made for the committee by M. Alexandre Bérard. This was not the end of the matter in the Senate, however; for the question was again raised in November, 1922, in the course of a debate on woman suffrage. The reporter of the committee stated on this occasion that the defeat of woman suffrage did not touch family voting, and that the latter could be discussed on a later occasion whenever the Senate should see fit.[28]

In the Chamber of Deputies, progress was still greater. M. Lemire reintroduced his measure of 1911 into the Chamber in June, 1920,[29] though it made no advance beyond reference to the committee on universal suffrage. Meantime, M. Roulleaux-Dugage had continued his efforts, and had become chief supporter of the cause. Twice in 1919 he was able to get before the Chamber the proposal which he had abandoned in 1916. In April he offered his measure as an amendment during the de-

[25] J. O., 1920, Docs. Ch., no. 252, p. 289. Cf. also Fosse, *op. cit.*, p. 113. Landrieu (*op. cit.*, p. 26) appears to make a small mistake in this matter.

[26] In addition to his efforts in Parliament, M. Roulleaux-Dugage has written important magazine and newspaper articles in favor of family voting. These latter are to be found in the *Révue politique et parlementaire* (mars 1918) and in *Le Matin* (lundi, 5 mars 1923).

[27] J. O., 1919, Docs. Sén., no. 337, p. 504.

[28] Cf. Landrieu, *op. cit.*, pp. 28–29.

[29] J. O., 31 juillet 1920, Débs. Ch., p. 3319. Cf. also J. O., 1920, Docs. Ch., no. 1482; Landrieu, *op. cit.*, p. 25; Fosse, *op. cit.*, p. 105.

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bate on proportional representation; and he had the satisfaction of receiving considerable support, as is evidenced by the fact that the amendment was disjoined by a vote of 302 to 187.[30] Again, in the following month, when the Chamber was debating the extension of the franchise to women, M. Roulleaux-Dugage offered his proposal as an amendment. On this occasion the amendment was disjoined only by the close vote of 219 to 200.[31] The two hundred deputies who opposed disjunction were of all varieties of political opinion,[32] and the list includes M. Landry and the veteran Socialist deputy, M. Jules-Louis Breton.[33]

Finally, M. Roulleaux-Dugage introduced his measure into the Chamber in January, 1920.[34] On this occasion he had the signed support of about 175 deputies from all parties but the Socialists.[35] The proposal was referred to the committee on universal suffrage, which chose M. Roulleaux-Dugage as reporter of his own measure. His report was adopted unanimously by the committee in December, 1921.[36] It was two years before the report was discussed in the Chamber; but at last on December 7, 1923, the measure reported by M. Roulleaux-Dugage was offered as a counter-proposal to the proposition of law of M. Godart on woman suffrage.[37] On December 11, the Chamber by a vote of 404 to 144 rejected disjunction of family voting from the proposal of M. Godart, and voted by 419 to 75 to pass to a discussion of M. Roulleaux-Dugage's reported measure. The discussion took place on December 12 and 14, but the debating of

[30] J. O., 4 avril 1919, Débs. Ch., p. 1704. Cf. Landrieu, *op. cit.*, p. 26.

[31] J. O., 16 mai 1919, Débs. Ch., pp. 2306 ff. Cf. Landrieu, *op. cit.*, p. 26; Fosse, *op. cit.*, p. 115.

[32] For lists v. J. O., *loc cit.*, and p. 2328.

[33] M. Breton has since been elected to the Senate. He is a former minister and is author of a preface to the monograph on family voting by M. Enfière already mentioned.

[34] J. O., 31 janvier 1920, Débs. Ch., p. 92; J. O., 1920, Docs. Ch., no. 252, p. 288. Cf. Landrieu, *op. cit.*, p. 27; Fosse, *op. cit.*, p. 116.

[35] For lists see J. O., *loc. cit.*

[36] Cf. Landrieu, p. 27. M. Roulleaux-Dugage added in considerable degree to his supporters by abandoning a dogmatic assertion of the principle that voting is the personal right of every citizen.

[37] J. O., 8 décembre 1923, Débs. Ch., p. 395.

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more urgent matters has so far prevented its conclusion. Further debate on family voting remains on the order of the day.[38]

The recent history of the agitation for family voting in France may be concluded by reference to an instance of success. On July 13, 1922, a decree of the resident-general of France in Tunis (M. Soint) stipulated[39] the method of selecting the French section of the "Grand Conseil de Tunisie"; and into this method is incorporated the principle of family voting.[40]

It will appear from what has been said that there have been in reality three separate measures in France advocating family voting. These are the proposals of M. de Jouvenel, M. Lemire, and M. Roulleaux-Dugage. These measures are sufficiently independent one of the other to admit of separate treatment; all others are frankly merely modifications of them. Differences in detail may be briefly set out.

One of the principal problems of the advocate of family voting has been to determine what should be his attitude toward woman suffrage. It has already been intimated that between family voting and woman suffrage there is no necessary connection. The family may be accepted as the basis of suffrage organization by giving to the father all supplementary votes allotted to wife and children, and the earlier proposals definitely rejected woman suffrage. At the present time, however, it is for the most part agreed that the cause of votes for women and of family voting must proceed *pari passu*.[41] This involves the status of wives, widows, and daughters who are of age; and the three proposals under consideration present in this respect their first differences of detail. M. de Jouvenel and M. Lemire repudiate woman

[38] Fosse, *op. cit.*, p. 116, p. 152 n. The whole situation with respect to the electoral system appears for the present indefinite. The accession of the Radicals meant the doom of proportional representation; and a return to the principle of *scrutin uninominal* is probably assured. However, application of this principle is difficult. In July, 1925, the committee on universal suffrage in the Chamber was unable to agree on any one of several measures proposed, and the matter was postponed to the session which is under way at present. Cf. *Le Temps*, 10 juillet 1925, p. 2.

[39] Art. 32 bis.

[40] *Revue de l'Alliance nationale*, no. 123, octobre 1922, p. 309. Cf. Enfière, *op. cit.*, p. 42 n; Landrieu, *op. cit.*, pp. 28–29; Fosse, *op. cit.*, pp. 135–136.

[41] Cf. Enfière, *op. cit.*, p. 65; Landrieu, *op. cit.*, p. 37; Fosse, *op. cit.*, pp. 139 ff.

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suffrage, whereas M. Roulleaux-Dugage gives it his full acceptance. In the result, M. de Jouvenel proposes[42] that the father of a family shall be possessed of an extra vote for his wife and for each daughter of age; but a widow with or without children would remain without any vote.[43] M. Lemire suggests[44] only one difference of detail in this respect. Since in general he proposes for the father only one extra vote for three or more living children, daughters of age who are unmarried are reckoned together with daughters and sons who are not of age. As in the measure of M. de Jouvenel, the father is allotted an extra vote for his wife, and widows remain without the vote. On the other hand, M. Roulleaux-Dugage incorporates into his proposal[45] all the con-

[42] J. O., 1er août 1871, p. 2350; and cf. J. O., 1920, Docs. Ch., no. 252, p. 290.

[43] According to the amendment proposed by M. de Douhet to the measure of M. de Jouvenel, a widow would have been possessed of a vote which she could not, however, employ for herself. Her right was to be exercised by a son, if of age. If she were without children, the vote could not be used; and if a son were a minor, the vote was to remain unused until such son became of age. Of course, if she should remarry, the husband would use the vote. J. O., août 1871, p. 2373; and cf. J. O., 1920, Docs. Ch., *loc. cit.*

[44] J. O., 8 juillet 1911, Débs. Ch., p. 2664; and J. O., 1911, Docs. Ch., no. 1135, p. 2200. Cf. also J. O., 1920, Docs. Ch., *loc. cit.*

[45] J. O., 1920, Docs. Ch., p. 92; no. 252, p. 288 ff.; no. 1482, p. 3319. The text of the proposal is of interest:

Art. 1er—Sont électeurs tous les Français, sans distinction de sexe ni d'âge, à l'exception de ceux qui se trouvent dans l'un des cas d'incapacité prévus par la loi.

Art. 2—Le père de famille exerce le droit de suffrage pour lui-même et pour ses enfants mineurs des deux sexes, légitimes ou naturels reconnus.

Art. 3—En cas de décès, d'incapacité légale ou d'absence judiciairement présumée ou déclarée du père de famille, le droit de suffrage est exercé par la mère en personne pour elle-même et pour ses enfants mineurs.

Art. 4.—En cas etc. du père et de la mère, l'enfant mineur est représenté au scrutin par son tuteur ou curateur. En cas d'adoption, le mineur adopté est représenté par l'adoptant.

Art. 5.—Le nombre des suffrages appartenant à chaque électeur en vertu des dispositions qui précèdent est fixé chaque année au moment de la revision des listes électorales.

Tous les électeurs figurent sur les listes, mais avec mention de représentant légal pour ceux qui ne doivent pas voter personnellement.

Art. 6.—Chaque citoyen ayant l'exercice personnel de son droit de voter reçoit, en temps utile, une carte électorale qui porte, s'il y a lieu, outre son propre nom, l'indication nominative des personnes qu'il doit représenter au scrutin.

L'électeur dépose dans l'urne autant de bulletins séparés que sa carte lui donne de suffrages à exprimer et l'émargement de toutes les personnes ainsi représentées se fait alors sur la liste générale des inscrits.

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sequences of accepting woman suffrage: the wife votes for herself; the daughter who is of age votes for herself; the widow without children votes for herself; and the widow with children not only votes for herself but is allotted a supplementary vote for each minor child.

The foregoing exposition of the proposed details with respect to the feminine part of the family has in a measure anticipated the position of the father. M. de Jouvenel gives to the head of the family an extra vote for each boy and girl[46] of which he is the father, and, as already pointed out, for his wife and for each daughter of age. M. Lemire proposes for the father a maximum of three votes:[47] one of these is for himself; one is for his wife; and one is for three or more living children, the latter category including sons under age and all unmarried daughters. M. Roulleaux-Dugage proposes that the father vote once for himself and once for each minor child; but in case of the incapacity of the father, the votes for the children are to be cast by the mother. Finally, M. de Jouvenel and M. Roulleaux-Dugage add a detail absent from the proposal of M. Lemire: for each ward one vote is allotted to the guardian or trustee.

The first obstacle with which the advocate of family voting is confronted is the inertia resulting from distrust of what is new.[48] That family voting is untried cannot be denied; so that

[46] In the amendment of M. de Douhet, it was stipulated that the child shou be five years of age in order to bring an extra vote to the father. An amendment of M. de Gueydon would have fixed six as a maximum number of votes for the father of a family. The proposal of 1914 in the Senate (*v. supra*) would have given votes only for male children.

[47] M. Lemire in a letter to M. Fosse (*op. cit.*, p. 113 n) explains the principles underlying his proposal. He concludes his letter thus: "En résumé nous nous en tenons aux trois types d'électorats suivants, faciles à déterminer, parcequ'ils correspondent à des situations sociales distinctes: 1° l'électorat à tout citoyen majeur, c'est le droit de l'individu; 2° l'électorat à tout homme marié ou veuf avec enfant, c'est le droit de la famille; 3° l'électorat à tout père d'au moins quatre enfants vivants non électeurs, c'est le droit de la race." It may be noted that in this letter M. Lemire has changed the number of children necessary for the extra vote from three to four. A slight variation in the proposal of M. Peyroux (*supra*) consisted in suggesting one vote for the father of a child and two votes for the father of five or more.

[48] Enfière, *op. cit.*, p. 19.

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this is not an argument to be refuted but a situation which can be gradually improved only by education through propaganda. Aside from this general opposition, which is for the most part unreasoning, there are many specific objections to the proposed scheme, which the advocates of family voting endeavor carefully and patiently to meet and to refute.[49] All these are treated as sincere. Some are sincere but apparently unsound. Some are sincere and seem to be well founded. Others involve the not unfamiliar form of dialectic which consists in setting up, in order to demolish by knocking over, claims which the advocates of a cause have never made and which they would be among the first to repudiate. Otherwise classified, some of these objections are seen to be of a social character, while others are based on political theory. Again, some urge the inefficacy of the proposed reform, arguing that even if its aim be good, it would not accomplish what it claims; and still others contend that the difficulties of practical application are so great as to render all proposals unworkable. It is impossible here to set out in detail all these specific objections and the answers to them; all that can be attempted is a brief summary of a few typical examples.

The most usual objection to family voting is the argument that the ballot will not cause the birth of children.[50] This contention, based on the inefficacy of the proposed reform, is an excellent example of the practice mentioned, in which the opponents of a proposal attack a claim which is not made. In this specific case, the trouble arises from confusing a direct result with what is claimed only as an indirect result. Those who argue the case for family voting recognize the absurdity of hoping that births will increase merely because more votes will result from such births. Their final, not their immediate, aim is the repopulation of France. They contend only that a parliament or a government which failed to follow a general policy looking to an increase of the birthrate and to the welfare of the family would in the result,

[49] M. Enfière's work cited is almost entirely a careful examination of the various objections to family voting with an attempted refutation of each. Arguments against the scheme are also answered in the theses of M. Landrieu and M. Fosse.

[50] Cf. Enfière, *op. cit.*, pp. 22 ff.

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if family voting were the prevailing organization of the suffrage, commit political suicide.

The objection that control of child-birth is a moral question, which as such escapes the action of the legislator,[51] together with all objections based on abstract political theory,[52] would seem to exemplify contentions based on sincere but unsound arguments. Thus, the inefficacy of legislation in moral matters is a familiar extreme view which loses sight of the true relationship between legislation and morality, a relationship in reality reciprocal in character. Similarly, confusion is contained in many of the political arguments. There is no need to argue that plural voting is undemocratic; that family voting violates the principle of universal suffrage, of the political equality of citizens, and the principle of public law which excludes representation in elections; or that minors have no civil rights and must therefore not have the vote. Plural voting, as it has been and is practiced, may well be aristocratic in character on account of the privilege accorded to property and capacity; but family voting does not necessarily lead to voting based on property or capacity merely because it is plural voting.[53] All the other arguments mentioned hopelessly confuse the legal and extra-legal aspects of authority in the state; for no effort is made to distinguish between what the state can do, what it does do, and what it ought to do.

It is only natural that the soundest objections to family voting are social in character. That such objections are not conclusive is altogether possible; but they deserve most attention, since considerations of this order ought to determine the final solution of

[51] Cf. *ibid.*, pp. 24–29.

[52] Cf. *ibid.*, pp. 40 ff.; Landrieu, *op. cit.*, p. 40, pp. 58 ff., pp. 80 ff.; Fosse, *op. cit.*, pp. 16–60.

[53] M. Hauriou (*op. cit.*, p. 615), without making it clear whether he himself is confused by this simple logical fallacy, holds that the instinctive opposition of the French people to plural voting is a conclusive argument against family voting. M. Duguit appears to see more clearly. He says (*op. cit.*, T. II, p. 451): "Il suffit de marquer *nettement que le vote plural n'est pas, en soi, contraire à la notion de* souveraineté nationale et que l'on peut logiquement, en effet, soutenir que le vote familial est le seul système électoral qui réalise vraiment le suffrage universel intégral, puisque par lui seulement il peut y avoir autant de suffrages émis qu'il y a d'*unités composant la collectivité nationale.*"

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the question.[54] According to one such objection, which would not seem to be of great weight, family voting would result in family quarrels growing out of discord between a father or mother and thinking children.[55] The advocates of the reform are not without answers to this objection. The view that the vote of father or mother is preferable to that of a child is in general true; the argument that cases of family discord would be few in number is possibly true; but the contention that such quarreling could not be chargeable to family voting appears true only within limits. No one would deny that friction between parents and children exists and would continue to exist without family voting, but it is altogether possible that such a system would furnish an important additional occasion for such disagreement. However, there is an objection of the same order which the advocates of family voting would seem to find more difficulty in answering than any other. This is the argument that the most prolific citizen is not necessarily the best political citizen.[56] It is possible here only to note the attempted refutation of this contention, expecting a final determination to emerge from the conflicting views. "In family voting," it is argued, "there is no question of reward; there is the question, and it is the only question, of the interest of the child."[57] That is, the question is one of representation for children; and to divide children into categories according to the worthiness or the unworthiness of their parents would be in violation of the most elementary notion of justice.

Finally, it may be noted that certain arguments against family voting based on the difficulty of practical application of the

[54] M. Roulleaux-Dugage concludes his article in *Le Matin* with these words: "L'intérêt national est, par conséquent, d'accord avec l'équité sociale pour que cette réforme essentielle soit réalisée le plus tôt possible. Scrutin majoritaire ou proportionnel est d'un intérêt secondaire par comparaison parceque purement politique. Au contraire, la réalisation de cette grande réforme sociale qu'est le suffrage universel intégral présente un intérêt primordial parceque de son adoption ou de son rejet dépendent les destinées du pays."

[55] Cf. Enfière, *op. cit.*, pp. 30 ff.; Landrieu, *op. cit.*, p. 39.

[56] Cf. Enfière, *op. cit.*, pp. 35 ff. It was on this ground alone that the adverse committee report of M. Bérard was made in the Senate to the proposal of M. de Las-Cases. See *supra*.

[57] Enfière, *op. cit.*, p. 38.

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scheme are sound objections, whatever may be the weight to which they are entitled. Thus, as an example, the question of what treatment is to be accorded to orphans who are the wards of the state[58] is very difficult, if not impossible, of solution. On the other hand, such objections of detail result in a tendency to lose sight of the main issue or to see it in false perspective. It appears fair to assume that if the principle involved demands acceptance through its sheer reasonableness and importance, means will not be lacking for giving the principle satisfactory application in practice.

[58] Cf. *ibid.*, pp. 64 ff.; Landrieu, *op. cit.*, p. 41.

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SOME APPLICATIONS OF STATISTICAL METHOD TO POLITICAL RESEARCH

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This paper deals with the applicability of statistical principles and methods to research in political science. The subject is virgin and comprehensive. At the outset it will be necessary to delimit the treatment to be given it here, and to state some of the premises upon which this treatment will be based.

In the first place, the topic is unrelated to questions of public finance, or any of the bookkeeping aspects of government. I shall confine attention to more fundamental problems, distinctly psychological and sociological as well as political in character. These have to do with the nature and operation of forces that give rise to political activity and that determine its forms and its direction. A socio-political-psychology, quantitative in method, is the goal with respect to which orientation is sought.

In the second place, only data of a kind now available for research will be considered. Every statistician will agree with Professor Merriam's demand for the development and extension of governmental reporting, but my immediate concern is with undeveloped possibilities of utilizing existing materials.

In the third place, the desirability of a quantitative approach to political research problems is taken for granted. Yet the statistical method has serious limitations, not merely because it can never replace logic as a means of interpretation, but also because it is not universally available for scientific inquiry. The developments of recent years in the field of abnormal psychology, for example, have no quantitative method of discovery behind them. When subjective processes give rise to or accompany behavior, measurements of the latter may be possible. But these measurements are no more than indices of states of conscious or unconscious mental activity.

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The discovery of objective indices bearing upon the subject of inquiry is an important part of almost any research undertaking. For example, it was desired by the writer to determine the counties of maximum progressive or liberal opinion in Nebraska at the election of 1920. But progressive support was given both to Howell, Republican candidate for senator, and to Bryan, Democratic candidate for governor. The vote for neither alone provided an adequate index of progressivism because of the large element of party regularity in the vote for both. Hence progressivism was defined in terms of a tendency by the voters of both parties to split their ballots on behalf of the progressive candidate on the opposition ticket. An "index of progressivism" was obtained by averaging for every county the percentage of the senatorial vote received by Howell with the percentage of the gubernatorial vote received by Bryan. In much the same way, one of my students, Mr. Francis Wilder, now at the University of North Carolina, has sought to obtain an index of what he calls "political alertness" for the various counties of that state. Regarding independent voting as a measure of alertness, he has aggregated the differences on both party tickets between the vote cast for president and for governor and between that cast for governor and for United States senator. The sum of these four differentials in each county has then been related as a percentage to the total vote for president, governor, and United States senator combined, the result giving an index of the type sought.

I shall not pursue this matter further, but shall assume that indices of greater or less suitability may be found for many subjective phenomena. Political statistics, then, must be limited to forms of phenomena that are themselves measureable, or for which measureable indices may be obtained.

As a fourth limitation, I shall confine discussion to phenomena which may be treated as variable. The statistics of attributes, dealing with data which differ in *kind* rather than in *degree*, is sometimes held to apply with peculiar force to the field of politics —with its votes of "aye" and "no", with its victories of either one candidate or another. The writer has elsewhere advanced reasons for contending that even so discrete a phenomenon as a vote "aye"

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or "no" really indicates a variable along a scale, so far as the opinion behind the vote is concerned.[1] A vote, in other words, is a behavioristic index, crude and discrete in form, of a subjective variable. Moreover, even though the individual vote be a discontinuous datum, the collective vote of a social group or a geographic area, regarded as the unit of attention, becomes itself a variable—in quantity, in distribution among candidates or between opposing issues, and in other important respects.

The four limitations already stated pertain to the subject matter of research. A fifth and final consideration involves the statistical methodology to be employed.

If one were to base an opinion upon the titles of the books on statistics now in circulation, he would infer that a great deal of specialization in statistical methodology has taken place. There are, for example, books on business statistics, educational statistics, and so on. It is to be borne in mind that in all such cases the principles and methods employed are essentially the same. Theoretical statistics really falls within the province of the mathematician. It is only the applications which differ, as one passes, say, from business to education. The educator, being unfamiliar with problems of business, and on the other hand having special problems and a special terminology of his own, finds it more convenient to discuss methods of finding averages or variability in terms of the data with which he is familiar. In a similar manner there is need of a "political statistics." But its principles and methods will in all important respects be the same as those which are utilized in their statistical calculations by the psychologist, the business forecaster, the public health administrator, or the meteorologist.

The primary task of the present paper, then, is to show the applicability to political science research, within the limits that have been described above, of statistical principles and methods that are already in common use in other fields of inquiry. The burden of this task can best be carried by means of illustra-

[1] "The Political Vote as a Frequency Distribution of Opinion," *Journal of the American Statistical Association*, March, 1924.

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tions, which will be taken, except as otherwise noted, from the writer's own research.

Individuals of homogeneous type present a variety of variable and comparable characteristics. Thus individuals of the type "male student of Zeta College" may be compared in the characteristics of height, weight, intelligence, academic rating, length of nose, distance of home residence from the college, or chest expansion. All of the individual measurements of one characteristic, considered independently of the others, constitute a series of mass phenomena susceptible of summary statistical description.

Of such a series at least four questions, important for interpretation of the phenomena, may be asked: First, are the individual measurements distributed about some point or points of concentration? Second, is there a representative value or *average* which for a given purpose may be used in place of the individual measurements collectively? Third, do the individual measurements differ widely or narrowly from each other; that is, what is the extent or the degree of the aggregate variability among them? Fourth, do individual values in one series tend to vary concomitantly with corresponding values in other series? The latter question, involving correlation, is important in the discovery of causal relationships.

From this point onward I shall attempt to show that all of these four questions arise in connection with political research problems and that statistical methods are therefore needed in their solution.

Many human characteristics are distributed normally. Suppose, for example, that the heights of Zeta college students are ascertained to the nearest inch, and that the data is then plotted on coördinate paper. The variable, height, will be indicated by intervals of distance from the point of origin along the base line. The number of men at each interval may be shown by ordinates erected according to a vertical scale of frequencies. If the tops of these ordinates be connected and the resulting line be smoothed, an approximation to the bell-shaped mathematical curve known as the curve of error will result. This is an important fact, because upon it much refined statistical analysis may be based, including prediction concerning the heights of students not included in the

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data. If political phenomena tend to be distributed in similar manner, it will be evident that some beginning of statistical prediction concerning these phenomena will be possible. Let us examine the data provided by a particular research problem.

I am working with election returns which reflect the so-called radicalism or progressivism of some of the middle-western states. In particular, I am seeking to discover whether the attitudes and

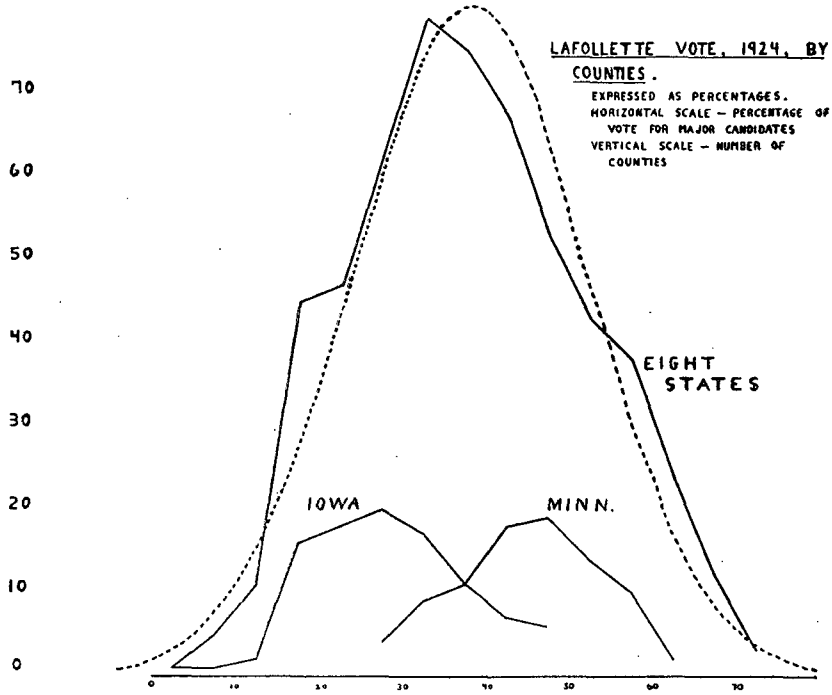

FIGURE 1.
LAFOLLETTE VOTE, 1924, BY COUNTIES

opinions involved tend to diffuse or spread in the characteristic manner posited by the American school of anthropologists of culture traits in general.[2] As a corollary, I am trying to learn in the case of these attitudes whether, as Wissler contends,[3] political boundaries interpose little or no obstacle to the diffusion of culture

[2] Cf. Clark Wissler, *Man and Culture*, especially Chapter IV.
[3] *Ibid.*, 12–18, 42–43, 136, 138 and passim.

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elements. As an index I have taken the LaFollette vote for president in the election of 1924, relating it as a percentage to the total vote for the three major candidates. The county has been adopted as the unit for this purpose. The results of these inquiries are not of concern at the moment. The point of present interest is that when the counties of these states are arrayed according to the degree of support given to LaFollette, their distribution, while somewhat "skewed," approximates in form the same normal frequency curve which will describe the heights of Zeta College men. This is shown in Figure 1. The large irregular curve represents the 566 counties of Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, and Idaho, distributed according to the percentage of the LaFollette vote. These are states in which the candidate was held to have a chance of victory. The broken bell-shaped curve which roughly synchronizes with this represents the distribution that would be mathematically normal for the same data. The two smaller curves represent the actual distribution for the counties of Iowa and Minnesota respectively. The distribution for the eight states aggregated is shown in Table I.

TABLE I

Distribution of counties in eight "LaFollette" states, according to the percentage of the vote given LaFollette among the three major presidential candidates in the election of 1924.

Percentage of LaFollette	*No. of Counties*
0.0— 4.9	1
5.0— 9.9	5
10.0—14.9	11
15.0—19.9	45
20.0—24.9	47
25.0—29.9	63
30.0—34.9	79
35.0—39.9	75
40.0—44.9	67
45.0—49.9	53
50.0—54.9	43
55.0—59.9	38
60.0—64.9	24
65.0—69.9	12
70.0—74.9	3
	566

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"LaFollette sentiment," as indicated by the LaFollette vote, then, is found to be distributed normally, or approximately so, among the counties in a wide geographical area which was generally favorable to his cause. What was the *most representative* expression of LaFollettism among these counties? The percentage of the LaFollette vote over the area as a whole does not answer this question because of the wide differences of population. Resort must be had to a procedure which is often illegitimate, namely, the averaging of the individual percentages. For the 566 counties of the eight states under examination the three averages in most common use are found to be as follows: arithmetic mean, 37.9 per cent; median, 37.1 per cent; mode, 35.5 per cent. The relatively close correspondence between these three average values again confirms the normality of the distribution. Any one of the three gives a closer representation of the usual or typical county situation than does a single percentage which uses the state or the region as a base.

Having calculated average values, one of these may be used from which to measure variability. The concept of variability itself may be illustrated. Assume that the men of Zeta College possess a mean height of 68 inches, and that we wish to compare their heights with those of the members of a circus troupe. The latter will include a number of midgets and several side-show giants. The average height of the circus may turn out to be the same as that of the Zeta students, namely 68 inches. Yet it is obvious that the two groups differ widely in the extent to which the individuals in each approach the average height. That is, they differ in variability. Similarly, it is possible that of two states giving approximately the same support to LaFollette so far as aggregate returns are concerned, one may have the favorable attitude quite evenly spread over the entire state, while in the other LaFollette sentiment may be strongly developed in some counties and substantially absent from others.

To take an actual case, the variation in the percentage of LaFollette votes in the state of Montana is from 15.0 in Meagher County to 67.3 in Mineral. The range is thus 52.3 per cent, or more than half of the possible variation. In Minnesota, although

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there are half again as many counties as in Montana, the range of variation is but two-thirds as great. It extends from 25.7 in Rice County to 64.6 in Pennington. The range is 38.9 per cent. It might be suspected that certain factors connected with the social or economic homogeneity of the two states, with the comparative extent of their areas, or with their facilities for communication, had something to do with the greater homogeneity in radical opinion that is indicated in Minnesota.

The range, however, is an inadequate measure of variability. For accuracy of comparison, we must utilize measures which take account of the values of *all* of the individual measurements. This necessitates the calculation for each state of either the average deviation or the standard deviation, and the reduction of either of these to a coëfficient of variation. The latter permits of the direct comparison as to variability of series having different kinds of units or, as in the present case, similar units but averages of differing value.

TABLE II

Percentage of the vote received by LaFollette in certain states and areas, based upon the combined vote for the three major presidential candidates in the election of 1924.

State or Area	Number of Counties	Mean of County Percentages	Standard Deviation	Coëfficient of Variation
I	II	III	IV	V
Wisconsin	71	54.3	10.35	19.1
Minnesota	87	45.0	8.60	19.1
Iowa	98	28.5	9.53	33.4
North Dakota	53	49.4	11.59	23.5
South Dakota	68	34.9	12.47	35.7
Nebraska	93	25.5	10.16	39.9
Montana	55	35.6	11.38	32.0
Idaho	44	35.3	7.93	22.5
The above 8 states combined	566	37.9	13.98	36.9
Maine	16	5.07	2.067	40.8
North Carolina	100	1.145	1.347	117.6
Michigan	83	11.4	6.576	57.7

Using the same data as before concerning the LaFollette vote, coëfficients of variation have been calculated for a number of individual states, including Michigan, Maine, and North Carolina, and the eight states previously mentioned in which his prospects

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were regarded as favorable, together with the combined area of the latter. These are included in Table II. It should be remembered that a low coëfficient of variation is indicative of a high degree of homogeneity with respect to the LaFollette vote.[4]

The table is suggestive. In Wisconsin and Minnesota, where LaFollette sentiment was strongly developed, the coëfficient of variation was in each case 19.1 per cent. In Michigan, where the candidate was somewhat less successful than in the country at large, it was 57.7 per cent. In North Carolina, where LaFollette support was practically confined to isolated railroad centers, it was 117.6 per cent. In Idaho, a state in which geographical and cultural homogeneity are strikingly low, the coëfficient was 22.5 per cent; while in Iowa, which is exceptionally homogeneous in the same respects, it was 33.4. In both of the latter states LaFollette received moderately strong support, although this support was stronger in Idaho.

These figures indicate that LaFollette strength was positively related to low relative variability among these percentages. It is not clear whether this relationship is due to anything more than the fact that the coëfficient of variation is itself a function both of the standard deviation and the mean.[5] If there is a relationship in addition to that involved in this dependence, it would suggest that economic and social homogeneity may not be so essential for the diffusion of political attitudes as is the strong development of the latter at the points from which they spread. It is possible that an equation could be calculated from data of this sort which would express what might be called the *velocity* of diffusion, as a function of the comparative degree to which the attitude had already been accepted. The relationship, assuming its existence, might be expected to prove non-linear, the velocity accelerating up to a certain point, after which deceleration would set in.[6]

[4] This is not equivalent to political homogeneity in general, which is not of present concern.

[5] The coëfficient of variation equals 100 times the standard deviation divided by the mean. The relationship in the case of the 11 states included in Table II, ascertained by the method of correlation by grades, is expressed by the coëfficient of correlation, $r = .94$.

[6] "Diffusion" as here used implies something more than the mere spread of acquaintance with an attitude, or the ideas upon which it is ostensibly based.

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The meaning and use of the coëfficient of variation in such a connection are not sufficiently understood to give more than suggestive value to such a hypothesis here. I confine myself at this point merely to suggesting one direction in which statistical methods of determining variability may yet throw light upon an important social and political phenomenon.

I come now to the last of the four types of questions which statistical methods enable us to answer concerning variable series, namely, those concerning correlation. The problem is, whether political science research requires the use of correlation methods, and again I shall endeavor to demonstrate by illustration that it does.

In one type of case we are interested in concomitant variation among the individual measures in two series which are static in character. For example, some of my students have been seeking to learn whether the percentage of LaFollette votes in 1924, a static variable by counties or other minor political units, is correlated, positively or negatively, with such variables as the

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That which is being spread is an acceptance of the attitude by individuals. It is regarded as a process which may still be going on after some individuals in a given community have adopted the attitude. This use of the term may seem objectionable, but the term itself is the most appropriate that has been found to express the meaning. The term "velocity" is used because it implies the *rate* at which this acceptance of attitude is taking place. The rate of acceptance within a group of individuals is obviously dependent upon the speed with which acceptance is taking place within individual members of the group. This, it may be supposed, is to no small degree dependent upon the frequency with which the attitude is exhibited to one individual by other individuals, that is, upon the reiteration of its expression. That is, when A and B express the same attitude to C, the effect upon C's attitude is probably greater than the mere sum of the effects of A's and B's attitudes, each taken independently. As the number of individuals having the same attitude increases, the number of separate contacts between those and other individuals will increase in the same ratio. The probable number of duplicate or reinforced contacts with these other, non-infected, individuals will, however, increase at some rate greater than that of the total number of contacts. It follows from this that the rate of acceptance will for a time accelerate, because of the proportionately greater chance of reiteration. Deceleration would result from the principle of diminishing returns from reiteration. Continued reiteration of an attitude by others, that is, might eventually cease to have any effect upon the unconverted individual. These suppositions, reminiscent of Gabriele Tarde's "Laws of Imitation," are, of course, wholly speculative at present.

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percentage of voters of German birth or extraction, the per capita farm values in agricultural districts, and farm tenancy and farm mortgaging. That is, we have sought for explanation of the La-Follette movement in various presumed causes of nationalistic or economic discontent. Again, by use of the questionnaire method, we have endeavored to rate the comparative radicalism of certain state legislators,[7] and relate this, in turn, to the radical proclivities of the various districts represented, with the LaFollette vote as an index of the latter. The effort here has been to test the "representativeness" of state legislators.

In another type of inquiry what is sought is a measure of the relationship between two series of data, each of which varies over a period of time.

Variations in such data may be due to one or another of four types of causes. There are, first, those factors whose influence operates with a degree of constancy, or a degree of constant change, over a relatively long period of years. The effects of these factors, when isolated, give rise to what is termed "secular trend." There are, next, those which result in cycles of several years duration, giving rise, when isolated and plotted, to a more or less wave-like curve about the line of trend. Third, there are frequently seasonal influences, causing a somewhat rhythmic pulse within the yearly period. Lastly, there are fortuitous factors like the World War, unassociated with the trend, the cycle, or with seasonality. The methods of correlation may reveal certain regularities of relationship in the seasonal or the cyclical variations of two time series; but it is first necessary to segregate the effects upon the data of the four types of influences just named. The determination of any one of the four may be an important end in itself.

It is obvious that political opinion offers few, if any, indices of a sort from which seasonality could be determined if it exists. Even data from which annual indices of opinion may be derived are none too frequent. I shall attempt, however, to demonstrate

[7] By a schedule similar to that of Professor Henry T. Moore, in his article "Innate Factors in Radicalism and Conservatism," *Journal of Abnormal and Social Psychology*, October, 1925.

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that long term, or "secular," trends and cycles do exist in certain political phenomena, and are susceptible of statistical analysis.

For experimental purposes, I have developed a number of series of data, each of which may be regarded as providing a reflection in some degree of political opinion. Several of these have been based upon the vote of Assembly candidates in New Jersey, from 1877 to 1924 inclusive. This is a state in which annual elections are held, in which Assembly candidates have usually run for office under the banner of a recognized party, and in which the vote for the individual party designees has been officially recorded in the state Legislative Manual during the period named.

For each year, aggregating the vote for individual candidates in the twenty-one counties, I have computed on several bases the percentages of the votes which were cast for Republican candidates, for Democratic candidates, and for minor party candidates. The fact that these percentages refer to the aggregate vote for a number of candidates tends to neutralize the effect of personal popularity or unpopularity in the case of individuals. The result is a truer indication of the party vote in each year than would be, say, the vote for governor, president, or congressmen. It was felt that the changing percentages of Republican votes, with reference to the combined Republican and Democratic votes, let us say, would be some indication of what is sometimes called the pendulum of political opinion. The changing percentages of the minor party votes, with reference to the total of all parties, would give some index of the growth or subsidence of dissent from both of the major party organizations.

These series have been treated in the usual manner, trends being determined empirically according as a straight line or a parabola of lower or higher degree seemed to provide the "best fit."[8] One methodological problem was presented by the consistent increase of the Republican vote, both absolutely and relatively, in the quadrennial presidential elections. In the derivation of cycle figures correction was made for this tendency by the calculation of what I have called in my notes an index of

[8] Cf. for example, F. C. Mills, *Statistical Methods*, Chap. VII.

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quadrennial variation. The method employed in obtaining the latter was similar to that which has been used by Professor Warren M. Persons in making correction for seasonality.[9] Without going into further discussion concerning these particular series, I may say that fairly well-defined trends and cycles appear in some of them, even apart from the quadrennial influence, but that no very significant correlation has yet been found to exist between the cycles disclosed and cycles in other series of social and economic data. The highest coëfficient of correlation that has been obtained is that between the corrected cycle figures for the percentage Republican of the total vote and the cycles of business indices used by Ogburn and Thomas.[10] Without lead or lag, this was −.247. The curves representing the two series of cycle figures are shown in Figure 2. No light has been thrown in general, therefore, upon the causes of these political changes.

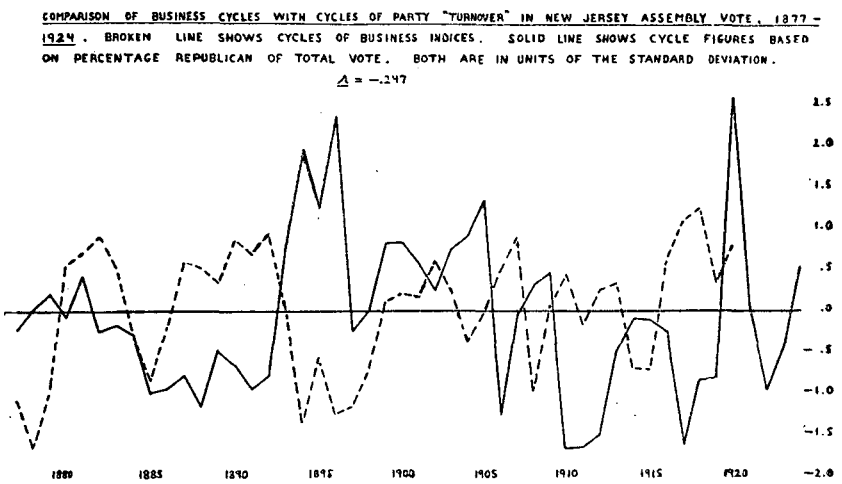

FIGURE 2.
COMPARISON OF BUSINESS CYCLES WITH CYCLES OF PARTY "TURNOVER" IN NEW JERSEY ASSEMBLY VOTE, 1877-1924.

Four other series have been based upon biennial rather than upon annual determinations. I have ascertained (1) the median

[9] *Review of Economic Statistics*, January, 1919, pp. 18–31.

[10] "The Influence of the Business Cycle on Certain Social Conditions," *Journal of the American Statistical Association*, 1922, pp. 324–340.

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age of all members of the United States House of Representatives from the First to the Sixty-eighth Congress inclusive; (2) the median age of the members serving their first term in each of these Congresses; (3) the percentage of members in each session serving a first term; and (4) the average experience of the members of the House in each Congress. In calculating the latter, the numbers of terms previously served by members at the beginning of each biennial period have been added, and the total divided by the number of members.[11] Other series could be constructed from the variability among the members' age or experience during the several sessions.

The Congressional Directory has provided the necessary data for recent sessions. For the period prior to the Sixty-Second Congress, they were taken from the ten or twelve thousand individual biographies contained in the Biographical Congressional Directory.[12]

To none of these series has it been found feasible to fit curves covering the entire period of one hundred and thirty-six years. Good fits in most cases have been obtained, however, by breaking the series into smaller segments. The lines connecting the original plottings, together with fitted curves and their equations, are shown for several of the series in Figures 3 to 6.

It is apparent that down to the Civil War period there were trends in the direction of electing younger men to Congress and retaining members there for shorter periods of time. From the Civil War period onward the age of first-term members has increased, reaching especially high averages with the men elected in 1890, 1910, and 1922. With this change came about a tendency to leave congressmen in office for longer periods of service. As would be expected, there has resulted a greatly increased average age of all members. As to the causes of these changes, the lengthening expectation of life is perhaps an important factor, but one for which no statistical allowance has yet been made. The opinion may be hazarded that another factor has been a

[11] Some slight modifications of this method were employed, which it is not essential to describe here.

[12] Sixty-first Congress, 2nd Session, Senate Doc. 654.

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gradual departure from the Jacksonian type of democratic sentiment which prevailed during the time when the curves were trending downward. As to the results of these changes, no sta-

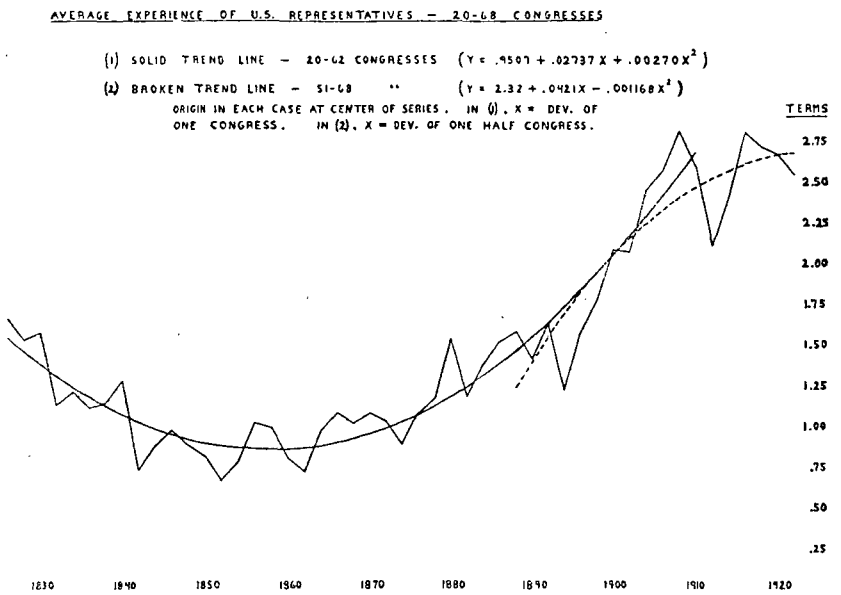

FIGURE 3.

AVERAGE EXPERIENCE OF U. S. REPRESENTATIVES—20-68 CONGRESSES

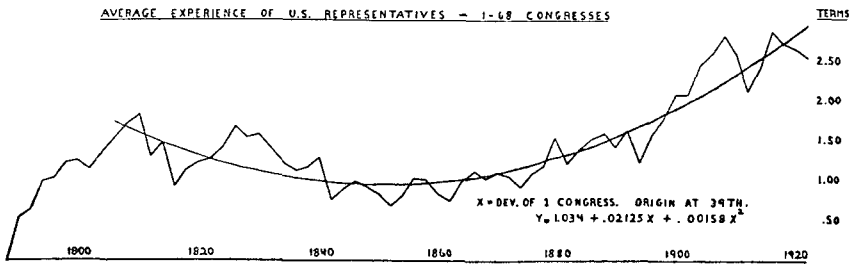

FIGURE 4.

AVERAGE EXPERIENCE OF U. S. REPRESENTATIVES—1-68 CONGRESSES

tistical statement can be made. It seems obvious from an *a priori* standpoint that increasing age and increasing average tenure of

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service would both be influences making for conservatism in legislation.

Once more it must be pointed out that while the existence of trends susceptible of description by mathematical equations, and the existence of cycles about these trends (as shown in the accompanying charts), seem demonstrable, significant correlations with other economic and social data have not yet been discovered. One exception may be noted. For the variable "average experience," I have fitted a parabolic trend line, concave down-

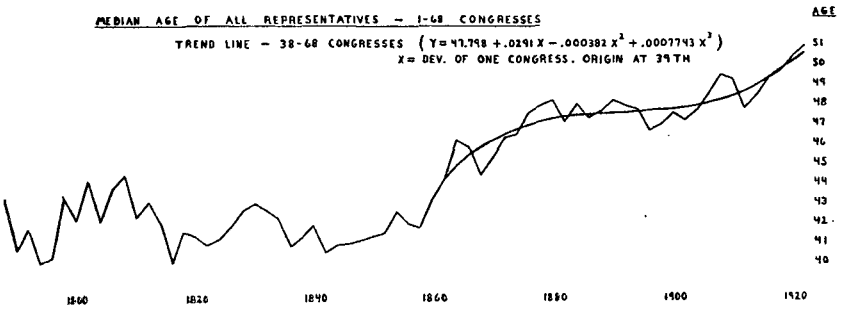

FIGURE 5.

MEDIAN AGE OF ALL REPRESENTATIVES—1-68 CONGRESSES

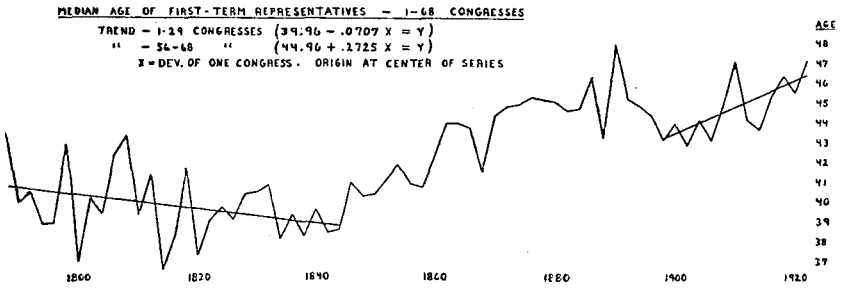

FIGURE 6.

MEDIAN AGE OF FIRST-TERM REPRESENTATIVES—1-68 CONGRESSES

ward, for the sessions from the Fifty-first to the Sixty-eighth inclusive, that is, from the elections of 1889 to 1923. With the biennial deviations about this line, I have correlated figures

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representing the mean of the business cycle figures used by Ogburn and Thomas for the corresponding year and the year preceding. This has given me a positive coëfficient of correlation of .449, suggesting some relationship between business prosperity and the state of mind in the electorate which results in the reëlection of experienced congressional incumbents.

To sum up, this paper has aimed at demonstrating some of the possibilities of applying statistical principles and methods to political phenomena. In the illustrations used, I have not been concerned with stating the results of statistical inquiry in any single direction, but rather with exhibiting some methods of statistical attack upon problems of political and social psychology with which I have been personally concerned. My greatest hope is that I may have succeeded in clearing a little of the ground upon which the development of political statistics may proceed.

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LEGISLATIVE NOTES AND REVIEWS

EDITED BY VICTOR J. WEST

Stanford University

Governors' Messages.[1] *Taxation.* Modern scientific principles of taxation are slowly making their way with the state executives. Al-

[1] Twenty-two messages of thirteen governors are reviewed as follows: John W. Martin, Florida, regular session, April, 1925, and special session, December, 1925; Clifford Walker, Georgia, regular session, June, 1925; W. J. Fields, Kentucky; Alvan T. Fuller, Massachusetts; Alexander J. Groesbeck, Michigan, special session February, 1926; Henry L. Whitfield, Mississippi, three messages; Harry A. Moore, New Jersey; Alfred E. Smith, New York, two messages; Gifford Pinchot, Pennsylvania, special session, 1926; Aram J. Pothier, Rhode Island; Thomas G. McLeod, South Carolina; Harry F. Byrd, Virginia, three messages; Roland H. Hartley, Washington, special session, November, 1925, four messages. Several governors announced an intention to submit other communications later, but none of these was received by the writer. In case nothing to the contrary is indicated, these messages were delivered to regular sessions of the legislatures this year, with the exception of two of Governor Whitfield, who sent out a preliminary special message in May, 1925, dealing with the revision of the anti-trust laws and the simplification of administrative agencies, and announcing the appointment of a committee of seven representative lawyers to prepare recommendations for the legislature upon the former subject. In November he submitted the findings of the committee, accompanied by comments of his own. Governor Walker's message was devoted almost entirely to a discussion of taxation and support for the educational institutions of the state. The outstanding topics touched upon by Governor Fields were finances, highways, administrative regulations to prevent the loss of public funds, prison labor, and pardons. Governor Fuller's attention was directed especially toward the administration of justice, public safety, and public utilities; Governor McLeod's to taxation; Governor Pinchot's to election reform, regulation of the coal industry, and development of hydro-electric power; one of Governor Byrd's messages was devoted largely to taxation and another to simplification of government. Governor Hartley was concerned chiefly with the educational system, taxation, and the sale of the timber resources of the state; Governor Moore, with taxation, elections, and coal supply; Governor Smith, with the various social services of the state and the improvement of administration. The latter also presented a special message dealing with his policy of hydro-electric power development. The Ohio legislature held a one-day session January 15, 1926, and passed one act intended mainly to permit one or two counties to overcome the existing limitations of the tax laws and obtain sufficient funds for operating expenses. The governor did not call the session nor send a message. In recent years this legislature, especially when the governor is not of the same party as the majority, has adopted a practice of recessing at the regular session to a fixed date, unless recalled sooner by a committee composed of officials of the two houses.

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though Florida in 1924 prohibited by constitutional amendment both income and inheritance taxes, the state in 1925 authorized the legislature to tax intangibles, heretofore not taxable. Governor Martin reminds the legislature of this mandate of the people. The general property tax is criticized in Georgia in the most approved manner, the governor remarking that "the only real uniformity about our present system is the uniformity with which all men owning invisible property succeed in escaping taxation"; he comes out vigorously for a classification system and an income tax. Classification is asserted to be the only means of materially correcting and modernizing the Washington tax system. Recent hearings before the state board of equalization brought forth the admission from the former supervisor of taxation that the valuations which the railroads were striving to compel the state to restore were prepared in the offices of one of the plaintiff companies.

In Kentucky the Porter Act is credited with raising the valuation of both tangible and intangible property about twenty-five per cent. The rate on agricultural lands has been reduced twenty-five per cent by law. Governor Fields believes that real estate should be relieved of all taxation for state purposes and that new sources of revenue should be found in taxes on manufactured tobacco and luxuries such as theater tickets and soft drinks. In addition, he would separate state and county taxes, as state and municipal taxes are now separated, meaning, perhaps, in their collection, as a temporary step prior to the segregation of sources.

A reduction in the state receipts from *ad valorem* taxes from sixty-nine per cent of the total in 1922 to fifty-nine per cent in 1925 is noted in Mississippi. The assessed value of both tangible and intangible property in the state, the governor points out, is about one third of the tangible property valuation in the state as recorded in the report of the United States Department of Commerce. As a partial remedy he suggests that the assessment of property be made in the even rather than in the odd, or "political," years. In 1923, when all state and county officers were to be elected, the total valuation fell off over $30,000,000. He recommends a mandatory annual or semi-annual conference of all the assessors of the state under the auspices of the state tax commission; also the listing of all property for which exemption is legally claimed, and the erection of the county assessor into a full-time officer compensated in proportion to the total valuation of his county and the number of assessed citizens on his rolls. He believes that foreign securities owned within the state might better be exempted from taxation until such time

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as the organic law permits a classified property tax. A tax on cigars and cigarettes is urged for school purposes.

Coming to the defense of recently enacted indirect taxes in South Carolina, such as that on soft drinks, and approving the retention of the income tax and the inheritance tax, Governor McLeod admits an inequality of taxes as between classes of property and between owners of the same kind of property, due to the inequality of valuation. He again urges the assessment of vacant town and city real estate at its full value. He advocates the inauguration of such a system as will relieve physical property of any levy for state purposes and an amendment of the constitution to permit classification. As to assessment, "no two counties have the same method." "Equality will never be had under any form of local assessment." The elimination of a large number of local assessors, and state supervision of the remainder, is the remedy suggested.

Segregation of state and local sources of revenue is also advised by the governor of Virginia, largely as a means of correcting the inequality of assessment and preventing the evasion of taxes on intangibles. He would reduce the rate on stock in foreign corporations, the rate on capital, and on notes and bonds, but would increase the rate upon incomes above $5,000 and would take more energetic steps to collect delinquent capitation taxes and would abolish the offices of 370 land assessors, while permitting the localities to order reassessments whenever desired and through their own machinery. Of state tax administration, he says "an ex-officio board cannot get efficient results"; and he would provide a full-time chairman to be associated with the governor and auditor. Governor Moore, of New Jersey, would repeal outright the state mill tax for roads and the half-mill tax for institutional buildings, because the money accumulated without these is adequate for the purposes as he conceives them.

Budgets, etc. There are comments on the problem of the budget in a number of the messages, indicating a tendency to find the half-way measures tried in some states unsatisfactory from the governor's viewpoint and a desire to increase his power and responsibility. To be a mere transmitting authority for the estimates of the various institutions and departments does not suit the Mississippi executive, and he asks that the auditor and treasurer be associated with him as a budget commission with power to revise estimates and make specific recommendations. The establishment of a comprehensive budget system under the control of an agency independent of any existing public office is urged in Rhode

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Island—perhaps a state commissioner of finance with power to pass upon all financial measures of whatever nature before legislative action thereon—and an arrangement whereby, in case the annual appropriation bill shall not be passed before a certain date, it shall be presented to the governor with the full effect of passage by the general assembly.

The Virginia governor recommends that all funds from state taxes be budgeted and expended only upon the warrant of the auditor, and that all segregated funds be abolished with the exception of the gasoline and automobile license taxes. He would forbid, by law apparently, the legislature to increase items of the budget submitted by the governor and require additional appropriation bills to receive separate consideration and be accompanied by revenue measures to supply the amounts appropriated. Governor Smith holds that there can be no permanent reform of the state's financial structure except by constitutional provision for an executive budget. Governor Hartley requested the first regular session of the legislature at the beginning of his term to make appropriations necessary for one year only and delay those for the second year until he should have time to study the needs of the state and present them to a special session which it was understood he would call. He recommends that the department of public works, the divisions of banking, dairy and livestock, weights and measures, and horticulture, be placed upon a self-supporting basis by means of the collection of fees for their services. He believes much overlapping of state and city inspection in health and safety matters could be eliminated. Governor Fuller, of Massachusetts, would likewise make the banking department self-supporting and would provide a system of fees to meet the costs of the probate court services, and raise the fees for other state services.

Relations of State and Local Governments. The relations of the local government units to the state are not yet satisfactorily determined in many places, if indeed they can ever be anywhere for any considerable length of time. Local powers and limitations remain in a state of flux. Sometimes conditions almost shake one's faith in the merits of local self-government. The special session in Florida was called for the enactment of local legislation as advertised in accordance with law, and the enactment of needed municipal legislation, but no details were mentioned.

A budget commission is desired for each county in Kentucky, with the astonishing assertion that in many counties "it would be impossible for any citizen, even by the most diligent search, to ascertain how much revenue the county is exacting from the people and how and by whom

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and for what purposes that revenue is being disbursed." A uniform system of accounting, enacted in 1914, has been entirely ignored by many officials, although penalties of not less than $25 for failure to use the prescribed blanks was attached. Attention is called to the constant loss by the state of the amounts due from the counties on fines and forfeitures, totalling $150,000 in unsatisfied judgments in sixteen counties, according to a recent report of the state inspector. Fewer than five per cent of the circuit court clerks file the reports required by law regarding unpaid fines. The governor proposes that the state inspector and examiner be authorized to make collections by means of prosecution in the state's fiscal court.

Governor Whitfield thinks the time has come for Mississippi to limit the county levies. As a means of securing a reduction of county expenditures, he would have the supervisors elected by the voters of the entire county, although still required to reside one in each of the supervisor districts. In Rhode Island the state board of health should, in the opinion of Governor Pothier, be given the power to remove local health officers for neglect of duty and to appoint or confirm the appointment of others. There are five times the number of necessary magistrates and constables drawing salaries throughout the state of South Carolina, frequently controlled by the politics of the locality, and often inadequately discharging their duties, when they have any duties to discharge. Governor McLeod would reduce them to the number of representatives in the lower house of the legislature. The Virginia governor presents a comprehensive program of local government reform: taxpayers' opportunity to criticize the proposed budget at public hearings; thirty days notice of any proposed increase in the tax levy, together with a public hearing; the requirement of popular approval for any issue of bonds; regular audits by the state accountant, with authority to disallow illegal expenditures; and the publication of the discovery of any shortages in funds.

The number of counties in New York could well be reduced, thinks Governor Smith, who again advocates general permission of municipal ownership of public utilities and local regulation of those operating entirely within the boundaries of single municipalities. In Washington attention is called to the report of the Investment Bankers of America, showing that seventeen counties have local improvement district bonds outstanding to the amount of three and three-fourths million dollars and admit defaults of almost a million and a half. The governor would make the creation of a guarantee fund mandatory instead of optional

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with the municipalities and give city councils discretionary powers over the erection of local improvement districts, which are now brought about through the activity of promoters and bond salesmen. The fee system comes in for criticism in Kentucky, where county and commonwealth attorneys sometimes collect their maximum allowance in fines and forfeitures in the first few months of the year; in Mississippi, where the attorney general is still paid a commission and a salary, the former amounting to over $37,000 for the collection of income taxes from twenty taxpayers in 1925; and in Virginia, where the governor thinks publicity should be given to the amounts received.

Highways. Zeal for the construction of highways seems to be somewhat abating, although Governor Groesbeck holds the paving, widening, and general improvement of the trunk-line system of the state the most important and useful work his state is engaged in. Additional taxes on gasoline or oils, or on trucks and busses, or increased license fees, receive approval in Florida, Kentucky, Virginia, and Mississippi. In New York the motor vehicle law enacted at the last session is regarded as responsible for taking almost ten thousand drivers off the roads in eleven months with licenses revoked or suspended, and also for a reduction of 208 in the number of deaths caused by motor vehicle accidents. Of the good-roads movement the governor of Washington says: "If the analysis of this public demand for good roads is carried far enough, it will be ascertained that it is but the echo of the clamor of the cement crowd, the material men, the machinery folk, the contractors, the automobile club secretaries, and the great army who are living off of, some of them growing wealthy from, highway construction."

Education. Concern for education is manifested in a number of the messages, but generally not accompanied by any unusual recommendaton. In New York a special bureau of mental hygiene in the department of education is advocated, and the value of preventive activity is emphasized in dealing with mental disease. Governor Hartley, noting that education absorbs the bulk of the tax money, and realizing that written large over the portals of the public schools is the warning, "hands off,' questions the belief of some people that a school dollar, no matter how expended, is well expended. He declares that, as a result of this attitude education is the biggest business of the state and the most neglected in so far as business thought and management are concerned. He is contending for more education for less money. He charges the educational heads with setting up their institutions as something apart from, rather than a part of, the state government. He would replace the separate

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boards for the several institutions of higher learning with a non-salaried board of nine members appointed by the governor, one each year, for terms of nine years, and would subject to the authority of this board the common schools as well, after abolishing the elective state superintendent. Fixed tax levies should be abolished. He shows that the theory of state aid—equalization of opportunity—is not being realized, since the richest county in the state receives from the school fund more than it contributes and that poorer counties receive less than they pay.

Law Enforcement, etc. Law enforcement needs are touched upon, especially in Kentucky, Massachusetts, and Washington. In the first state, the governor would appoint a safety commissioner and deputy with authority to select as many assistant commissioners throughout the state as necessary, these to be paid a liberal per cent of the fines collected from offenders arrested and prosecuted by them. In the second, specific changes are advised as follows: the repeal of the law allowing county officials to release prisoners, the denial of a parole after the second conviction for a felony, permission to the governor and council to suspend at any time the operation of the parole law so far as it deals with the release of convicted prisoners, precedence for the trial of persons accused of crimes of violence, and an enlargement of the powers of the judiciary so that they may guide and control the procedure of criminal justice. An unusual device is recommended in Mississippi to enable honest individuals and corporations to keep within the anti-trust law by securing from the attorney general an opinion on the legality of any action taken or proposed. Time would be allowed for the correction of action pronounced illegal, in order to conform to the official ruling, and approval of the attorney general would constitute a good defense to any suit founded upon the actions described, as long as the opinion should not be modified or withdrawn.

The governor of Kentucky would require the judge, instead of the jury, to fix the penalty. He asserts that he has issued less than one third the number of pardons granted by either of his predecessors in an equal length of time and yet in the year following November 1, 1925, more than ninety per cent of his official hours, and in addition many nights as well, were spent listening to pleas for pardons. He believes that not more than two per cent of all requests are worthy of attention. The statement of the governor of Washington, although probably not so intended by him, comes too close to expressing the backward attitude of many of our officials and citizens generally to arouse lively hope for much improvement in the immediate future: "In handling our penal

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and eleemosynary institutions, we are dealing with a question over which we have but little control. The criminal, the insane, and the defective are with us and must be cared for."

Nominations and Elections. The manipulation of elections which has been going on in Pennsylvania caused Governor Pinchot to appoint an investigating committee of seventy-six. Its disclosures are sickening: fictitious registrations, falsification of returns, perjured election officers. What official practices these things would be preliminary to can be imagined. A program of changes includes the mandatory opening of ballot boxes on the petition of five electors, the restriction of assistance, elimination of the "chain system" of voting, permanent registration in cities of all classes, signature of the voter on receipt of the ballot (presumably for identification), the abolition of the tax qualification for voting, legalization of the appointment of overseers from outside the election districts in which they are to serve, prohibition of the presence of political workers at the polls, the optional use of voting machines by any township, borough, or city, and authorization of the legislature to compel the use of these machines in any particular city.

Governor Smith would restore the direct primary for the nomination of all candidates, and Governor Moore opposes the attempt to return to the convention for the nomination of candidates for governor and United States senator, a system by which "a few powerful men, representing the great financial interests, will be able to control the nominations of both parties. . . ." At the same time he urges a return to the single-member district for members of the assembly (now elected from the county at large), because it is impossible for an independent to carry on a campaign throughout the large counties and the result has been that the picking of assembly candidates in such counties has become largely the function of the political organizations, which have every advantage. He objects to the proposal to change the governor's term to four years and to hold the election in the presidential year. In Massachusetts biennial sessions of the legislature are again recommended and the elimination of many useless oaths and certificates now required to such an extent that there are 35,000 justices of the peace and notaries in the state and oath-taking is largely perfunctory and frequently devoid of any essential meaning.

Housing. Two of Governor Smith's proposals have attracted the attention of the country. The commission on housing and regional planning shows in its report that many of the old, dilapidated tenements condemned after the investigations of twenty-five years ago are still

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being used for dwellings. The construction of certain types of homes for wage-earners of moderate means is pronounced unprofitable. The two prime essentials of a solution of the problem are the provision of money at low rates of interest and the use of the power of condemnation of land to secure large parcels at reasonable prices. He proposes the creation of limited dividend corporations possessing the power of condemnation and believes municipalities should be permitted to issue tax-exempt bonds the proceeds of which may be loaned to these corporations. A state housing bank could be used as an alternative source of capital.

Water-power. Of the water-power problem, Governor Smith says: "All of our history shows that once we give long leases of state property upon which a great deal of money may be expended for development, we set up a monopoly that can only be repurchased and condemned at prohibitive prices." He advocates the establishment of a State Power Authority, municipal in character, having no stockholders, to prepare a plan for the comprehensive development of all the power resources, and with authority to issue bonds exempt from state taxation and secured by the revenues to be derived from the improvements, thus capitalizing the valuable franchises which the state would continue to own, not in the interest of private stockholders, but in the interest of the public. The Pennsylvania legislators were presented with a plan for the creation of a Giant Power Board, with the function of approving the location of electric generating plants, and perhaps of supervising the incorporation of giant power companies for the development of current in or near the coal fields. Better provision for the distribution of electric current, better regulation of rates, services, and security of hydro-electric power companies, and the drafting of compacts with other states for the control of the transmission of current and distributing agencies, were suggested.

Reclamation. A scathing criticism of present reclamation policy and practice was pronounced in Washington: "There has not been a single new reclamation project where the state has engineered and supervised and directed development which has not been a dismal failure." The division of reclamation has been buying the bonds of approved projects, but in selling them found that under a ruling of the state finance board they could not be accepted from banks as collateral to secure the deposit of state funds. The revolving fund "doesn't revolve, but dwindles," the present net worth being one and one-third million dollars short of its face worth. Governor Hartley also conducted a striking attack upon

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the methods of the state boards in charge of the sale of state timber, especially because of their refusal to make public the quantity of timber in any tract or the amount later cut from it. His messages apparently stirred up a revolt in the legislature, and the governor found a pretty squabble on his hands. He told the legislators: "To the majority's ultimatum my answer is, go home. . . . The administration will stay on the job and continue to fight for the people and the taxpayers against the scheming and disgruntled politicians, the special privilege seekers, and the treasury raiders." He denounced "the trickery of a false leadership which sought to discredit the governor because he refused submissively to bow his head and let you swat it."

Miscellaneous Suggestions. A four-year term for governor and for state senators, with two years for assemblymen, is advised by Governor Smith, who would dispense with all legislation in even years except appropriations, unless specifically recommended by the governor. The Virginia governor laments his inability to be as much of an executive as he should be, coming into office as he does in the middle of a legislative term and possessing no direct control over the most important administrative officers of the state; and he urges provision by constitutional amendment for what is commonly called responsible state government. Governor Moore hints that a time limit should be set for the life of all laws that have been passed, and when that limit is reached the law should be automatically repealed, unless reënacted.

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Election Legislation in 1924 and 1925.[1] As in other periods, the legislation of the forty-eight states on the subject of elections in the years 1924 and 1925 was voluminous. A very few states made no changes, but in all the others laws were passed ranging from minor changes to practically complete revisions. Of the latter the most notable

[1] No attempt is made to deal in this note with absent voting laws or laws affecting primary elections; these are covered in two succeeding notes. The legislatures of Kentucky, Louisiana, Maryland, Mississippi, and Virginia were in session in 1924 only; those of Georgia, Massachusetts, New Jersey, New York, Rhode Island, and South Carolina were in session in both 1924 and 1925; that of Alabama was in special session in 1923. In the remaining states the legislatures met only in 1925. No changes of any great significance are recorded in the following states: Arizona, Arkansas, Colorado, Connecticut, Florida, Illinois, Indiana, Kansas, Louisiana, Montana, Nevada, New Mexico, North Carolina, Oregon, Tennessee, and Texas. Session laws of the states of Massachusetts, South Carolina (1924), Virginia, and

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is the one enacted in Michigan,[2] a large portion of which is devoted to a revision of the primary laws. Iowa, Minnesota, Missouri, and New Jersey also made numerous changes. As usual, registration and ballot provisions received the greatest attention, though the "short ballot" and the use of voting machines gained favor.

Voting Qualifications. There were very few changes in voting qualifications during the two-year period. Missouri[3] has stricken from her laws the provision which disqualified "an officer, soldier or marine in the regular army or navy of the United States," at the same time disqualifying idiots and insane. Wyoming[4] now permits the husband or wife of an owner of real estate, as well as the owner, to vote in bond elections. In Mississippi[5] every naturalized citizen must file a certified copy of the final order of naturalization in the county of his residence, four months before an election, before registering or offering to vote there.

Short Ballot. The most significant event in the short ballot movement is the adoption by the voters of New York in the election of 1925 of an amendment[6] to the state's constitution which reduces the number of elective state offices. Those now remaining are the governor, lieutenant-governor, state controller, and attorney general, and proposals are being made to extend the terms of office of these. The New Jersey legislature of 1925 also passed an amendment[7] to the state constitution increasing the term of office of governor and senators from three years to four and of assemblymen from one year to two. This proposal must be approved by the next legislature and voted by the people before it becomes effective. On the other hand, the voters of Ohio defeated an

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Washington were not available when this article was sent to the printer. In the preparation of these notes the author has had the assistance of Professors Morris B. Lambie, of the University of Minnesota, and P. O. Ray, of Northwestern University, Mrs. Lucile McCarthy, of Madison, Wisconsin, Hon. Frank L. Stephan, of Twin Falls, Idaho, Mr. James Deering, of the San Francisco Law Library, and Messrs. Victor Hunt Harding, Gilford G. Rowland, and Hugo Wall, research assistants in Stanford University.

[2] *Public Acts of Michigan*, 1925, No. 351, pp. 528–645.

[3] *Laws of Missouri*, 1925, Constitutional Amendment No. 8, p. 410.

[4] *Session Laws of Wyoming*, 1925, Ch. 36, p. 25.

[5] *Laws of Mississippi*, 1924, Ch. 154, p. 207.

[6] *Laws of New York*, 1925, appendix, p. 1147.

[7] New Jersey State Library, Legislative Reference Department, *Descriptive List of Laws and Joint Resolutions Enacted by the State of New Jersey Legislative Session, 1925*, p. 19.

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amendment increasing the terms of elective state and county officers from two years to four.[8]

Non-partisan Elections. No notable extension of the non-partisan idea appeared in the last two years. Minnesota[9] made provisions for challengers for non-partisan candidates as well as for partisans. Kentucky[10] repealed the very badly drawn statute passed in 1922 which attempted to establish non-partisan elections in some municipalities. In California many cities have provided that when a candidate for a non-partisan office has received a majority of the votes at a primary election he is declared elected without being compelled to go through the subsequent general election. A proposed constitutional amendment[11] would make the same provisions for candidates for any non-partisan office, such as a judge or a school or county officer.

Registration. Some changes in registration laws are made necessary by the woman suffrage amendment to the United States Constitution. For example, Maine[12] requires a married woman to be registered under her "given and married surname," and that whenever a woman already registered legally "assumes" a new surname, she must notify the registration board of the change in order to be re-registered. Under the same circumstances, i.e., change of surname on account of marriage or divorce, Minnesota[13] also requires a woman to re-register before being allowed to vote. An interesting result of woman suffrage is the change in the laws requiring statement of age by a voter. Heretofore an elector has generally been obliged as a condition of registration to declare his age or state his birth date. Now Maryland,[14] following several other states, allows a woman to register upon stating that she is over twenty-one years of age; New York[15] allows the same privilege to any voter; while Delaware[16] allows it unless the voter is challenged, or unless he is under twenty-one at the date of registration.

An interesting development is registration *in absentia.* Minnesota,

[8] *Laws of Ohio*, 1925, p. 549; *New York Times*, Nov. 4, 1925, p. 4.
[9] *Session Laws of Minnesota*, 1925, Ch. 420, p. 699.
[10] *Acts of Kentucky*, 1924, Ch. 66, p. 158.
[11] *Statutes of California*, 1925: Concurrent and Joint Resolutions and Constitutional Amendments, Ch. 69, p. 1401.
[12] *Laws of Maine*, 1925, Ch. 145, p. 129.
[13] *Session Laws of Minnesota*, 1925, Ch. 390, p. 526.
[14] *Laws of Maryland*, 1924, Ch. 299, p. 863.
[15] *Laws of New York*, 1925, Ch. 159, pp. 194, 195.
[16] *Laws of Delaware*, 1925, Ch. 106, p. 219.

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which heretofore specifically prohibited registration by mail, now[17] permits application for registration in writing by a voter absent from his election district up to fifteen days preceding an election. Missouri[18] and Utah[19] do not go quite so far; they provide supplementary days or periods of registration for the benefit of those unable to register on the regular registration days, the latter state limiting the privilege to cities of 20,000 or over and to absent voters, while Missouri extends the privilege to those unable to register on account of illness. Some minor changes in several states[20] further protect the registration of persons who move from one voting jurisdiction to another after the close of the registers.

Substitution of permanent for annual registration grows in favor. Idaho[21] provides that an elector once duly registered in a voting precinct need not re-register so long as he remains a resident of that precinct. However, an amendment to the law regarding commission government in the same state[22] authorizes the commission in its discretion to provide for a new registration of voters not oftener than once in four years. In Minnesota[23] the permanent registration provisions are now extended to cities of the second and third classes, which means that the law passed in 1923 now applies to all cities of more than 10,000 inhabitants. Delaware[24] adopted the constitutional amendment proposed in 1923 directing the legislature to enact uniform laws for registration. In accordance with this, changes were made in the statutes so that now general registration is required in each year in which a general election is held. But no person whose name is on the register is to be required to register again unless he ceases to be a resident of the election district or to possess the qualifications of a voter, or he has his name stricken from the register, or a new general registration is held to replace registration books lost, destroyed, mutilated, or defaced.[25] Any person who fails to vote will have his name stricken from the register.[26]

[17] *Session Laws of Minnesota*, 1925, Ch. 278, p. 347.
[18] *Laws of Missouri*, 1925, S. B. 59, pp. 209, 210.
[19] *Laws of Utah*, 1925, Ch. 76, pp. 149, 150.
[20] *Session Laws of Minnesota*, 1925, Ch. 390, p. 528; *New Hampshire Laws*, 1925, Ch. 31, pp. 43, 44; *Laws of Vermont*, 1925, pub. no. 2, p. 4.
[21] *Session Laws of Idaho*, 1925, Ch. 96, p. 140.
[22] *Ibid.*, 1925, Ch. 166, p. 304.
[23] *Session Laws of Minnesota*, 1925, Ch. 375, p. 477.
[24] *Laws of Delaware*, 1925, pp. 3–5.
[25] *Ibid.*, Ch. 106, pp. 222 and 230.
[26] *Ibid.*, Ch. 106, p. 215.

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The only other interesting developments in regard to registration include the combining of the registration with the primary election in Wyoming[27]; the provision by Minnesota[28] that the person in charge of death records in a city shall report periodically to the commissioner of registration the names of persons over twenty-one years of age who have died; and the requirement by Missouri[29] that election commissioners shall furnish in each precinct, in addition to lists of registered voters, supplementary lists of names of persons transferred or erased. Persons interested in voting statistics will hail with delight the new law in Pennsylvania[30] requiring a summary tabulation of registered voters by sex, color, party, and place of birth, to be prepared by registration officers. Maryland[31] now requires biennial instead of annual correction of the general registration lists. A great many other changes in registration laws related to such technical details as the form of the register, the place and time of registration and so on, are designed chiefly to make statutes conform to some general change or to correct textual defects.

Ballots and Voting Machines. The candidacy of Robert M. LaFollette for president of the United States seems to have had an effect on the arrangement of the ballot in at least two states. Wisconsin[32] now provides that the voter shall indicate his choice for presidential electors, not by marking crosses against the names of candidates for electors, but by marking opposite the name of the presidential candidate for whom he wishes the electoral vote of the state cast. South Dakota[33] provides that the groups of names of candidates for presidential electors on the ballot shall be preceded by the surnames of the respective candidates for president and vice-president, and also that a candidate may have his name printed on the ballot under the "principle" for which he stands instead of under a party designation. In a statute passed over the governor's veto, Utah[34] prohibits the placing on the official ballot of more than one group of candidates by any one committee or convention or association of voters acting independently. Also, no candidate's name is to appear more than once on the ballot, and all joint

[27] *Session Laws of Wyoming*, 1925, Ch. 27, pp. 19, 20.
[28] *Session Laws of Minnesota*, 1925, Ch. 390, p. 529.
[29] *Laws of Missouri*, 1925, S. B. 59, pp. 207, 208.
[30] *Laws of Pennsylvania*, 1925, No. 355, pp. 663, 664.
[31] *Laws of Maryland*, 1924, Ch. 474, pp. 1155–1158.
[32] *Laws of Wisconsin*, 1925, Ch. 250.
[33] *Session Laws of South Dakota*, 1925, Ch. 160, pp. 172, 173.
[34] *Laws of Utah*, 1925, Ch. 48, pp. 108, 109.

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party groupings must appear on the ballot as a single ticket. The office of vice-president of the United States is increasing in importance: the names of candidates for that office are to appear on the official ballot in Minnesota along with those of the candidates for president! [35]

Wisconsin[36] adopts a sensible provision regarding "writing in" names on the official ballot. Formerly the voter not only wrote down the name of his candidate but also marked a cross opposite the name; now he merely writes the name. Idaho[37] provides a simpler form of ballot for bond elections. Formerly confusion resulted from asking the voter to strike out "Yes" if he intended to vote "No" and *vice versa*; now he merely marks a cross opposite the proposal for which he wishes to vote. South Dakota[38] provides separate ballots for candidates for judicial offices. Nebraska[39] does the same for all non-partisan offices and also requires referendum measures to be submitted on separate ballots. Nebraska makes some interesting changes regarding referendum votes on constitutional amendments. It is now required that thirty-five per cent of those voting on an amendment, as well as a majority of those voting in the election, must be in favor of an amendment to secure its passage.[40] At the same time, the voter is deprived of the opportunity of voting for constitutional amendments by voting a straight party ticket.[41]

The use of sample ballots for educational purposes is fostered by Vermont,[42] which directs the secretary of state to furnish sample ballots as required to high schools and educational institutions, and by South Dakota[43] which requires the county auditor to supply upon request not only sample ballots but also "cards of instruction" to all pupils in the public schools in the seventh to the twelfth grades.

Iowa[44] and New York[45] have corrected their voting machine laws, and New York[46] has abolished its voting machine commission. It is now the duty of the secretary of state to examine voting machines before

[35] *Session Laws of Minnesota*, 1925, Ch. 41, p. 40.
[36] *Laws of Wisconsin*, 1925, Ch. 162, p. 235.
[37] *Session Laws of Idaho*, 1925, Ch. 8, p. 11.
[38] *Session Laws of South Dakota*, 1925, Ch. 161, p. 178.
[39] *Session Laws of Nebraska*, 1925, Ch. 116, pp. 309–311.
[40] *Ibid.*, Ch. 113, pp. 305, 306.
[41] *Ibid.*, Ch. 115, pp. 307, 308.
[42] *Laws of Vermont*, 1925, Public No. 7, pp. 9, 10.
[43] *Session Laws of South Dakota*, 1925, Ch. 149, p. 161.
[44] *Acts of Iowa*, 1925, Ch. 25, p. 26.
[45] *Laws of New York*, 1924, Ch. 443, pp. 820, 821.
[46] *Ibid.*, Ch. 442, pp. 818–820.

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their adoption. Michigan[47] adopted a detailed statute authorizing counties, cities, and villages to purchase and use "any thoroughly tested or reliable voting machine." The act includes provisions regarding construction and arrangement of such machines, their purchase, custody, inspection, and use.

Conduct of Elections. Most of the statutes dealing with election procedure are of minor importance; some are interesting and a few are significant. West Virginia,[48] which formerly provided for the opening and closing of the polls at sunrise and sunset, now fixes the times respectively at 6:30 A.M. and 6:30 P.M. Persons who cannot read English are going to find it increasingly difficult to vote. Minnesota,[49] in amending the law relating to printed instructions for voters, omitted the provision authorizing publication in a foreign language. Michigan,[50] in its revision, omitted the provision that assistance to voters in marking ballots might be based on inability to read English. However, in another direction there is a tendency to increased liberality in the matter of assisting voters; North Dakota[51] which formerly allowed only near relatives to perform this service, now permits election judges, while Ohio,[52] which formerly limited the exercise of this function to election judges, now permits it to near relatives.

Maine[53] authorizes cities and towns to equip ballot boxes with mechanical devices for receiving, registering, and endorsing every ballot deposited. A new law in Utah[54] authorizes, in any election precinct in which more than 200 votes were cast for governor in the last general election, the counting of ballots during the polling. Two sets of election officials and two ballot boxes are to be provided, and as soon as twenty ballots have been cast, one set of officers takes the box containing them to another room and counts them, continuing the counting of ballots and exchanging of ballot boxes until the election is over. Minnesota[55] now requires the filing by election judges of two summary statements (instead of one) of election results, one with the auditor and one with the local clerk.

[47] *Public Acts of Michigan*, 1925, No. 351, pp. 618–630.
[48] *Acts of West Virginia*, 1925, Ch. 85, p. 294.
[49] *Session Laws of Minnesota*, 1925, Ch. 420, p. 690.
[50] *Public Acts of Michigan*, 1925, No. 351, p. 596.
[51] *Laws of North Dakota*, 1925, Ch. 132, pp. 155–156.
[52] *Laws of Ohio*, 1925, S. B. No. 8, p. 275.
[53] *Laws of Maine*, 1925, Ch. 13, pp. 114, 115.
[54] *Laws of Utah*, 1925, Ch. 34, pp. 73–76.
[55] *Session Laws of Minnesota*, Ch. 126, p. 115.

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Corrupt Practices and the Use of Money in Elections. In this field there is very little development. South Carolina[56] makes "impersonation" unlawful, and South Dakota, which formerly made it a felony wilfully to break or destroy a "ballot box or poll list," now includes stealing or concealing these important adjuncts of elections in the list of felonies.[57]

Idaho[58] has repealed its statute which provided for the payment of actual railroad fare for delegates to state party conventions. The last total annual appropriation for this purpose was $7500.[59]

Wisconsin[60] repealed the provision in its corrupt practices law which required a candidate to file as a public record any written statement or pledge regarding legislation. On account of this provision, many candidates have refused to answer questions as to their attitude on public questions put to them by civic organizations.

Miscellaneous. A large number of changes are of minor importance and are concerned with such things as the conduct of school elections (New Jersey, New York, South Carolina); appointment and tenure of election officers (Maryland, Minnesota, Wisconsin); establishing and fixing boundaries of election precincts (Alabama, Minnesota, Missouri, Rhode Island, South Carolina); consolidation of voting precincts where there is only one candidate (California, South Dakota); arrangement of names on ballots (New York, North Dakota, South Dakota, Vermont); number of ballots (Maryland); emergency ballots (New Hampshire); sample ballots (Maryland, Minnesota); publication of names of candidates (Maryland); time of opening and closing polls (Georgia, North Dakota, Rhode Island, Wisconsin); challengers and challenging (Delaware, Kentucky); counting, canvassing, and certifying returns (California, Minnesota, North Dakota, Pennsylvania); preservation and destruction of ballots (New York, Wisconsin); and procedure in contested election cases (New York, North Dakota, Oklahoma, South Carolina).

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[56] *Acts of South Carolina*, 1923, No. 12, p. 30, 31.
[57] *Session Laws of South Dakota*, Ch. 179, p. 159.
[58] *Session Laws of Idaho*, 1925, Ch. 5, p. 8.
[59] *Session Laws of Idaho*, 1919, Ch. 107, p. 390.
[60] *Laws of Wisconsin*, 1925, Ch. 343, p. 460.

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Absent-voting Legislation, 1924–1925. With the enactment of laws in Georgia[1] and South Carolina[2] in 1924, only three states are now without absent-voting legislation, namely, Rhode Island, Connecticut, and Kentucky.[3] The acts of Georgia and South Carolina conform in general to the North Dakota type of absent-voting laws, but South Carolina, unlike Georgia, restricts absent-voting to primaries. The Georgia statute, on the other hand, is the more generous in that it extends the privilege of voting *in absentia* to persons detained from the polls by illness. The laws of several other states have recently been amended so as to permit absent-voting on account of illness or other physical disability.[4] In New Hampshire, however, this privilege appears to be confined to voting for presidential electors only. The number of states which now grant absent-voting privileges to sick or disabled voters is thus brought up to eleven.[5]

Amendments to the New York absent-voting law extend the privilege to inmates of soldiers' and sailors' homes,[6] to students attending institutions of learning outside their own county, and to wives of male citizens entitled to vote *in absentia* who may be accompanying their husbands.[7] This last provision is rarely found in absent-voting legislation.

The Minnesota Act of 1917 was amended to permit absent-voting in "special primary elections and special elections."[8] Applications for absent-voters' ballots in first-class cities under home-rule charters in that state must henceforth be made to the city clerk, instead of to the county auditor as formerly.[9] Absent-voters residing in those cities are now also permitted to register by mail.[10]

The Hawaii act of 1923 was amended to extend the privilege of voting before an election to voters employed upon vessels that are leaving port; and the privilege may be exercised in connection with

[1] *Georgia Laws*, 1924, No. 517.

[2] *Acts of the General Assembly of South Carolina*, 1924, No. 540.

[3] An absent-voting law was enacted in Kentucky in 1918, but was held unconstitutional by the state supreme court in 1921.

[4] Arizona, New Hampshire, South Dakota, and Vermont. *Laws of Arizona*, 1925, Ch. 75; *New Hampshire Laws*, 1925, Ch. 20; *Session Laws of South Dakota*, 1925, Ch. 159; *Laws of Vermont*, 1925, No. 5.

[5] Arizona, Delaware, Georgia, Idaho, Indiana, Iowa, Nevada, New Hampshire, South Dakota, Wisconsin, and Vermont.

[6] *New York Laws*, 1924, Ch. 446.

[7] *New York Laws*, 1925, Ch. 509.

[8] *Minnesota Session Laws*, 1925, Ch. 289.

[9] *Minnesota Session Laws*, 1925, Ch. 388.

[10] *Ibid.*, Ch. 278.

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primaries and both general and special elections—not merely in city and county elections as previously.[11]

Two recent state court decisions have invalidated absent-voting laws. The Kentucky supreme court had no difficulty in holding that the law adopted in 1918 was inconsistent with section 147 of the state constitution, which declares that "all elections by the people shall be by secret official ballot, furnished by public authorities to the voters *at the polls*, and marked by each voter in private *at the polls*, and then and there deposited."[12] The Pennsylvania supreme court, on the other hand, found it a much less easy task to establish the unconstitutionality of the civilian absent-voting law of 1923. That result was reached, however, by narrowly interpreting a clause requiring a voter to reside in the election district "where he shall *offer to vote*." According to this court, an "offer to vote" can only be made in person. The court found an additional basis for its conclusion in the fact that the state constitution definitely authorizes absent-voting for persons in the military service of the United States; from this the court argued that *inclusio unius est exclusio alterius*.[13]

The voters of California will be given an opportunity at the general election in 1926 to pass upon a proposed constitutional amendment, submitted by the legislature, considerably expanding the scope of the absent-voting amendment adopted in 1922. The latter conferred the privilege of absent-voting upon two classes: (1) those "who, by reason of their occupations, are required to travel," and (2) those "engaged in the military and naval service of the United States." The pending amendment adds a third class, i.e., those "who because of injury or disability are absent from their precincts or unable to go to the polling places." It also enlarges the second group mentioned above by adding thereto those "engaged in the civil and congressional" service of the United States. And lastly, the proposed amendment more carefully defines the first group specified above to include those "who, by reason of their occupation, are *regularly* required to travel *about the state*." Provision is also made that the affidavit to be signed by voters in this class, when applying for an absent-voter's ballot, need not show that

[11] *Session Laws of Hawaii*, 1925, Act 273. Unimportant amendments to absent-voting statutes were adopted in Nevada and Virginia. *Laws of Nevada*, 1925, Ch. 36; *Virginia Acts of Assembly*, 1924, Ch. 420.

[12] Clark *v.* Nash, Lyon *v.* Nash, 192 Ky. 594 (1921).

[13] Lancaster City's Fifth Ward Election, 281 Pa. St. Rep., 131–138 (1925).

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they "*will* be absent" from their precinct on election day, but merely "that they *expect* to be absent."[14]

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Primary Legislation, 1924–1925. The legislative output of the past two years has not been distinguished by any important extensions of the direct primary; nor, on the other hand, has there been any noteworthy abandonment or curtailment of the system. In a few states it came in for more or less honorable mention in governor's messages. In New Mexico, for example, Governor Hannett recommended the adoption of the direct primary for that state; and Governor Smith, in 1924 and again in 1925, recommended the restoration of the state-wide primary in New York.

In Ohio, Governor Donahey recommended the relaxation of the tests of party allegiance so as to permit independent voters to participate in the nomination of candidates. Governor Morley, of Colorado, on the other hand, urged the adoption of a strict party enrollment system in his state. Governor McRae, of Arkansas, advised that provision be made for run-off primaries for state officers in cases where no candidate receives a majority. Governor Branch urged the Indiana legislature to make the present primary law optional for local offices and mandatory for the selection of delegates to state conventions which were to nominate candidates for state offices, except for governor. None of these gubernatorial recommendations, however, bore fruit in legislation.

In Illinois a law was passed providing for the nomination of candidates for the circuit court and the superior court of Cook county by direct primary instead of by conventions. This, however, was done, not in response to any noticeable popular demand, but apparently to further the interests of certain Republican factions. A considerable amount of patronage attaches, directly or indirectly, to these courts. The judges of the circuit court, for example, appoint the South Park commissioners, who are in charge of important lake-front improvements in Chicago involving the expenditure of many millions of dollars. The new law providing for the direct nomination of the judges of these two courts also requires the rotation of candidates' names by precincts formed into a number of "groups" equal to the number of candidates. Another

[14] *Statutes of California*, 1925: Concurrent and Joint Resolutions and Constitutional Amendments, Ch. 56, p. 138.

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amendment to the primary law extends this rotation system to the candidates for the municipal court in Chicago.[1]

A New Jersey amendment moves forward the date of the general state primary from the fourth Tuesday in September to the third Tuesday of June, except in presidential years, when the primary is to be held on the third Tuesday in May.[2]

A concession to municipal home rule appears in the Missouri law giving cities operating under home-rule charters the right to prescribe by charter enactment the mode of nominating municipal officers and the form of ballot to be used in municipal elections.[3] In Louisiana the direct primary has been made optional in cities, towns, and villages of less than 5,000 population.[4]

A touch of "local color" has been imparted to primary elections in South Carolina by the recent requirement that ballots for state candidates shall be printed on yellow paper and deposited in yellow ballot-boxes; and that all ballots for county officers shall be on white paper, with ballot-boxes painted to match.[5]

The California legislature voted to submit a proposed amendment to the state constitution providing that any candidate for a *non-partisan* office who receives a *majority* of all the votes cast in a primary election shall be declared *elected*.[6]

But the most interesting and important primary legislation of the past year appeared in the Oklahoma preferential primary law,[7] which contains two provisions differentiating it sharply from the usual type of preferential-voting system. In the first place, the voters are *required* to indicate their preferences. Thus, if there are three or four candidates, the voter must indicate his first and second choices by a cross in the

[1] *Laws of Illinois*, 1925, pp. 373–377.

[2] *Laws of New Jersey*, 1925, Ch. 8.

[3] *Laws of Missouri*, 1925, p. 301.

[4] *Laws of Louisiana*, 1924, Act. No. 155.

[5] *Acts of the General Assembly*, 1923, No. 32. Probably the most "colorful" ballot system is to be found in Minnesota: (1) white ballots for candidates to be voted for by the state at large; (2) pink ballots for constitutional amendments and other state-wide propositions; (3) red ballots for city offices; (4) lavender ballots for city-charter and bond referenda; and (5) blue ballots for any candidates or propositions not provided for above. Separate ballot boxes to match are provided for each kind of ballot. *Minnesota General Statutes* (1923), §§276–280.

[6] *Statutes of California*, 1925: Concurrent and Joint Resolutions and Constitutional Amendments, Ch. 69, p. 1401.

[7] *Oklahoma Session Laws*, 1925, Ch. 29, p. 36.

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appropriate column. If there are more than four candidates for a single office, first, second, and third choices must be indicated. And when more than one candidate is to be nominated to any one office, the voter "must vote for as many candidates on each choice as there are candidates to be nominated for that office." Here, then, appears to be something new under the sun—compulsory preferential voting for all who take the trouble to come out to the primary—or the alternative, a void ballot! Perhaps the first state compulsory-voting law for stay-at-homers may be in the offing.

The other distinguishing feature of the Oklahoma law relates to the method of counting the ballots. Under the usual preferential system, the same weight is given to second and third choice votes as to first choices, whenever they are combined. Oklahoma seems to have improved upon this by providing that second and third choice votes shall count only one half and one third, respectively, in combination with first choices. Thus, when there are three or four candidates and no one receives a majority of first choice votes, only one half of the number of second choice votes for each candidate are added to his first choices, and the one receiving the *largest* vote is declared the nominee. Similarly, when there are five or more candidates for nomination to the same office and no one receives a majority of first choices, one half the number of second choice votes are added and the candidate then receiving the highest vote is declared the nominee, provided the total of the votes thus combined is equal to, or greater than, a majority of all first-choice votes. In case this total is less than such majority, one third of the number of third choice votes are added in, and the candidate then receiving the largest vote is declared the nominee.[8]

The election of party committees is commonly provided for in primary laws. To membership on such committees amendments to the primary laws in Iowa[9] and New Jersey[10] now require the election of both men and women, and in equal numbers.

A thorough overhauling of the entire election code in Michigan,[11] and of all direct primary legislation in Iowa,[12] has taken place in the

[8] For the circumstances which led to the adoption of this form of primary, see H. A. Barth, "Oklahoma Adopts Preferential Voting in the Primary," *Nat. Mun. Rev.*, XIV, 410–413 (July, 1925).

[9] *Acts of the Extra Session of the 40th General Assembly of Iowa*, 1924, Ch. 5.

[10] *Laws of New Jersey*, 1925, Ch. 8.

[11] *Michigan Public Acts*, 1925, No. 351.

[12] *Acts of the 41st General Assembly of Iowa*, 1925, Ch. 27.

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past two years. These revisions have eliminated inconsistent provisions, simplified and clarified involved and ambiguous sections, and introduced a few substantive changes, though these are of only minor importance. Relatively insignificant amendments to primary laws have also been adopted in Louisiana,[13] Nebraska,[14] North Dakota,[15] Virginia,[16] and Wisconsin.[17]

Boston's recent reversion to the ward plan of electing municipal councilmen necessitated some readjustment in the system of nomination by petition which has been in operation since 1909. Three thousand and two thousand signatures continue to be required on the petitions of candidates for mayor and the school committee, respectively, but for candidates for the council the number of required signatures has been reduced to 300.[18]

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State Control of Local Finance in Indiana. *Control by the State Tax Commission.* The state of Indiana derives its tax income chiefly from the general property tax. In the year 1923–24, fifty-six per cent of the total revenues of all taxing units, state and local, was derived from taxes on property. Another fifteen per cent was derived from local bond issues which will at their maturity be met chiefly from the property tax.

During the two decades prior to 1919 the tax situation in Indiana was not different from that in other states which depend upon the general property tax as the main source of tax revenue. The assessment of property for taxation is, with the exception of that upon certain special classes of property, in the hands of elected township and county assessors, with imperfect control by the state tax commission. The assessed valuation of property in the state had, in 1918, increased but sixty-four per cent compared with 1900. This was known to be, subsequent events corroborating, far below the true increase in value. Total

[13] *Laws of Louisiana*, 1924, Act No. 215.

[14] *Nebraska Session Laws*, 1925, Chs. 108, 111, 114.

[15] *Laws of North Dakota*, 1925, Ch. 136.

[16] *Virginia Acts of Assembly*, 1924, Chs. 286, 423.

[17] *Laws of Wisconsin*, 1925, Ch. 448.

[18] *Acts and Resolves of Massachusetts*, 1924, Ch. 479. Assistance in the preparation of the two foregoing notes has been received from Professors F. E. Horack, University of Iowa, J. K. Pollock, Jr., University of Michigan, A. B. Hall, University of Wisconsin, and V. J. West, Stanford University.

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taxes for the state and local purposes had been steadily advancing, having increased during the same period 247 per cent. It is interesting to note that this total increase represented an increase of 171 per cent in state, and 256 per cent in local, taxes. There was during this period no state limitation upon the power of local taxation.

In 1919 the legislature enacted a revised tax law which was intended, among other things, to improve methods of assessment, and to institute state control over local taxation and borrowing. Anticipating that the new law would greatly increase the valuation of property, but being quite unable to estimate the amount of the increase, the legislature conferred upon the state tax commission certain new powers in the premises:

First, in lieu of specific levies for each state fund, as was the custom hitherto, to fix the levy, for the years 1919 and 1920 only, at such point as should prove necessary to meet certain appropriations;

Second, to increase the levy of any municipality upon petition of the locality showing that "a necessity exists for such increase, and that the revenues otherwise obtained are not sufficient to meet the requirements of the municipal corporation"; and,

Third, to reduce after hearing, either of its own initiative or on petition of taxpayers affected, the levy of any municipality "whenever it shall appear that more revenue is about to be raised than the requirements of government, economically administered, warrant, ... but only upon sufficient evidence, upon hearing, showing that such reduction is warranted."

The constitution of Indiana prohibits the incurring of indebtedness by any municipal corporation in excess of two per cent of its assessed valuation. There is no constitutional or statutory limit on tax rates. Since a great number of municipal corporations had already borrowed almost, or quite, to the constitutional limit, and since the new law would probably greatly increase valuations and hence borrowing capacity, it was feared that an orgy of borrowing might follow. So, it was further provided:

Fourth, that no municipal corporation should thereafter issue any bonds or other evidences of indebtedness without the approval of the state tax commission. Petition was to be made by the municipality, and, after public hearing at which any citizen might be heard, the commission was empowered, "if it appeared that a necessity exists," to approve the issue as proposed or with such modifications or conditions "as may be deemed just and proper"; or to refuse its approval altogether.

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But if the amount of the bond issue proposed was in excess of $50,000, then appeal might be made to the people of the taxing unit. If the proposed issue was an amount less than $50,000, the decision of the state tax commission was final.

The anticipations of the legislature were realized. Property valuations were increased by the first assessment from $2,223,761,065 the previous year to $5,749,258,800, or an increase of 157 per cent. Taxes for all purposes in the state increased from $68,367,035 the year before under the old law to $75,602,477 for the first year under the new law. The tax commission reduced local levies that year to the extent of $11,617,037, or fourteen per cent of the total local levies proposed. Proposed bond issues likewise increased; and of $67,762,952 proposed, the commission disapproved thirteen per cent.

These acts of the tax commission raised a storm of protest from those who saw in the new law an invasion of local self-government, or a check upon desired local improvements. Among the group of objectors were those patriots who desired to purchase or to handle tax-exempt bonds, or who were especially aware that local improvements mean numerous public contracts.

Although this grant of authority over bond issues was sustained by the supreme court of Indiana (Van Hess *v.* The Board, 190 Ind. 347) as a proper delegation of power, the legislature, in special session in 1920, heeded the popular demand and took from the state tax commission all control over both local levies and bond issues. Attempting still to exercise some restraint upon borrowing propensities of local communities without offending home rule sentiment, it was now provided that appeals by citizens against a local tax levy, seeking either to raise or to lower it, or against a local bond issue, were to lie to the county council, the financial authority of the county. The council, while having no initiative in the matter, might on appeal of taxpayers either raise or lower the levy, or approve or disapprove the bond issues.

The results of this change at once demonstrated the inability of a local body such as the county council to offer effective resistance to local influences urging added taxes and borrowings. In 1920, when the local levies were thus fixed by local authority without state control, the total levies increased from $64,821,697 to $99,311,883, a rise of 53 per cent. Two factors which account for some of this increase should, however, be kept in mind: first, the increased cost of all purchasable commodities, including labor, was making great demands upon budgets, and hence upon tax-levying bodies; second, capital outlays which had

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been delayed during the war were now seeking to overtake the needs of local communities.

The results of the modification of the law were so obvious as to convince all but the most extreme champions of local self-government, and there was a general demand for a reversal of policy. The decline in agricultural values, which had already set in, intensified this demand for the restoration of some measure of state control. The general assembly of 1921, therefore, again revised the tax law with respect to local levies and bond issues. The statute as amended at that session, and as still in effect, provides that when a levy has been fixed by the local tax-levying authority, the matter may, upon petition of ten taxpayers, be appealed to the state tax commission. The commission may, after a hearing held in the county where the taxing unit affected is located, affirm or decrease any local levy or any item therein; and the decision of the commission is final. In the same manner, if the local authority decides to issue bonds in an amount in excess of $5,000, the tax commission is empowered, after hearing, to approve, modify, or reject the proposed issue. Here, too, the decision of the tax commission is final.

Under the law of 1921 the tax commission has acted upon tax levies as follows:

	Levies reviewed	Levies reduced	Total reduction
1921	42	39	$1,254,448
1922	74	46	1,034,572
1923	37	25	1,874,070
1924	48	41	1,467,345
1925	113	65	1,554,004

The total number of taxing units in the state is somewhat in excess of two thousand.

From the taking effect of the act of 1921 to October 20, 1925, of $45,006,205 of proposed bond issues brought before the commission on appeal, $26,754,743 were approved and $18,251,462 disapproved. Both the power to reduce levies and the power to review bond issues has been sustained by the state supreme court.

Typical examples give concrete indication of the situations to which the control of tax levies has been applied and its effect in those instances. In a certain county in 1923 it appeared from the published budget that county officials were proposing to increase the previous tax levy four cents on the hundred dollars. Citizens protested to the county council at a public hearing, but were ignored. Appeal to the state tax commission

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revealed that the county had on January 1, 1923, in its general fund $192,000 and was proposing a budget of but $80,000. As a result of the hearing, the whole county levy was wiped out.

The following year the same county council fixed the county levy at four cents on the hundred dollars. On appeal it was shown that there was on January 1, 1924, a balance in the general fund of $172,585, with a budget of only $77,950. By adding receipts other than taxes, it was shown that on January 1, 1926, there would be a balance in the general fund of from $40,000 to $50,000. Again the total levy was wiped out. It must be remembered that in Indiana counties about thirty per cent of the income is derived from sources other than taxation.

In one instance the officials of a certain tax unit had estimated the receipts other than taxes at $7,000. Upon being required to produce records at a hearing, it transpired that the figure actually was about $33,000. A reduction in tax levy was ordered which decreased taxes for the year $28,000. That the commission is fully justified in insisting on precise itemization in the budgets is demonstrated by an instance where it was discovered that in a certain county a bridge had been built across a stream when there was no public highway.

A vivid picture of conditions and practices in connection with public improvements which state control of local bond issues has assisted in remedying is presented in the following illustrations. It was proposed by officials of a county to issue bonds to the amount of $570,000 to cover the estimated cost of constructing a certain road. After appeal was taken, the contractor asked that the estimate be reduced $131,000. The issue was disallowed. New bids were called for and a contract was signed to build the road for $201,000 less than the first contract for the same job.

In one of the larger cities it was proposed to construct four miles of road. The specifications called for a certain type of concrete construction. It was shown that after the proposal was approved by the county commissioners, the brick interests took the commissioners, viewers, and city engineer on a trip to Kansas City. On their return the specifications were changed to provide for a brick construction at an increased cost of at least $15,000 per mile. On appeal to the tax commission, the bond issue to meet the cost was disapproved. A second attempt to issue bonds was met by appeal and a second disapproval. Thereupon a third attempt was begun by the county commissioners. Three luncheon clubs and the chamber of commerce passed resolutions favoring the issue, and political pressure was exerted on the tax commission; but the bonds were dis-

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approved a third time. The specifications were then restored to their original form and the contract let for $65,000 less than the cost under the brick specifications.

The city of Indianapolis determined to issue bonds for $1,650,000 to build eight school buildings. Upon appeal, and after hearing, it was found that there was a public necessity. A preliminary finding was entered that upon the adoption of proper plans and specifications and the securing of proper bids the bonds would be approved. With the assistance of the tax commission's own engineer, plans and specifications were prepared. Knowing that bids would be carefully scrutinized by the state authorities, contractors submitted bids which were $456,000 less than the amount originally estimated and asked for.

Control by the Department of Inspection and Supervision of Public Offices. The state department of inspection and supervision of public offices, popularly known in the state as the "state board of accounts," exercises a considerable degree of control over local finance. The chief and original function of the department, which is headed by the state examiner, is to prescribe uniform systems of accounting and reporting for public offices, state and local; to audit accounts of all public offices; and to undertake the recovery of misappropriated funds.

The department has stated that its official acts have been based on the theory "that everything should be done which will aid public offices in preventing the waste of public funds and guarantee value received from each dollar of public money expended." In pursuance of this policy it has been the practice of the department to investigate the sales of furnaces, bridges, and other commodities to local authorities, the vending of teachers' contracts, malpractices in the construction and repair of roads, and the practice of charging different prices for the same article when sold to local officials under substantially identical conditions.

It has long been the practice of public officials, in cases of doubt, to apply to the department for its opinion, in advance, upon the validity of particular financial transactions or expenditures under contemplation by any department. The examiner has also been accustomed to indicate in advance on his own initiative, as well as upon request, certain expenditures which would not be passed by the examiners.

Prior to 1922, the department had further been accustomed, at its discretion, to have engineers make inspections of public improvements during their progress or after completion, and, if defective workmanship or a failure to comply with specifications was revealed, to refuse to

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approve warrants issued in payment for such work. This practice of making inspections of improvements was continued until the appellate court, in 1922, in a suit brought by a township to recover damages from a contractor for failure to adhere to specifications in the construction of a highway, decided against it. (State ex rel Licking Township *v.* Clamme, 80 Ind. App. 147, 1922.) The work had been approved by local officials, but defects had been detected by engineers in the employ of the state examiner. The court, declaring that the department had no power to inspect a highway, nor to employ an engineer to do so, characterized the action of the department as "a plain case of usurpation."

The intrinsic worth to the public of this unauthorized service by the department of inspection and supervision was so apparent that there was a popular demand for its continuance. Accordingly, the general assembly, at the session of 1923, gave to the practice a specific statutory basis. It was enacted that, upon the petition of twenty-five taxpayers showing that local relief cannot be obtained, the state examiner may make such "inquiries, tests, examinations and investigations" as may be necessary to determine whether any public contract has been properly performed, and whether any public improvement has been made according to specifications. The examiner may, upon petition, cause all plans and specifications of such public improvements to be submitted to him for correction or approval before contracts are awarded.

If it is found that there has been fraud, collusion, misconduct, or negligence in the letting or execution of any contract, or any failure to comply with plans or specifications, causing loss or damage to the state or any municipal corporation, or any diversion or conversion of public funds, it is made the duty of the examiner to certify his findings to the attorney-general. It then becomes the duty of the attorney-general to bring criminal action, or to institute civil proceedings against the contractor or his bondsmen to secure proper recoveries.

Examples of the sort of practices which have been disclosed by these investigations include the use of insufficient quantities of cement and gravel; the presence of foreign substances in washed gravel; failure to construct catch basins properly; short weight and improper construction of bridges; defective ditch dredging; short yardage of gravel and stone in road construction; inferior work and materials on building contracts; and the padding of pay rolls. These situations have arisen from the ignorance or carelessness of officials, as well as from fraud and collusion on the part of officials, engineers, and contractors.

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The experience of the department shows that in about forty per cent of the cases appealed the conditions disclosed upon investigation were of major importance, vitally affecting the work and demanding material and expensive corrections. About fifty per cent involved differences in interpreting the terms of the contract, extras or omissions improperly ordered, and minor changes. In practically all these cases the adjustment favors the municipality, and to an amount amply justifying investigation. In the remaining ten per cent of cases, the investigation was not justified by the conditions found. All reports of investigations are certified to the attorney general, but, so far as possible, adjustments are made through the examiner's office without court action.

Examples will serve to illustrate the character of the service which has developed. In a certain city a main sewer was built of concrete pipe at a contract price of $350,000. It was partially in use before appeal was taken to the examiner's office. The pipe was found to be correct in quantity and quality, but installation was so unsatisfactory that the job was fifty per cent deficient and becoming worse. Suit was brought to enjoin the city from accepting the sewer, and plaintiff won in the lower court. The case is pending before the supreme court.

Examiners were called to examine a new street in a small city and the work was found deficient in quantity and quality of materials. Suit based on rejection by the examiners was brought and judgment given in favor of the abutting owners for $22,000.

Commissioners of a county contracted for forty-two culverts and bridges, which had been accepted and paid for before appeal. The examiners found but two built in accordance with the plans and specifications. As a result of the investigation, there were recovered about $60,000 in cash and reconstructions of about equal value. The commissioners were also forced to resign.

These measures of control by the tax commission and the state examiner, departing as they seem to do from prevailing doctrines of local self-government, have not failed to arouse protest, especially from those who have been prevented from realizing cherished plans. It is pointed out by some that the powers of the tax commission transcend the bounds of merely securing good administration and invade the policy-forming function of the local community. It is urged that public opinion operating upon local officers may be depended on to restrain unwisdom and wrong-doing in local finance. The proponents of the present system argue, however, that the latter assumption is predicated upon a condition of alertness and interest on the part of the public which does not, as a matter of fact, exist.

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It is perhaps true that through this control some expenditures for meritorious objects have been curtailed and some desirable improvements postponed. But neither this circumstance nor a sentimental attachment for the principle of local self-government has been allowed to obscure the fact that large savings to the taxpayers have repeatedly resulted from the action of the tax commission. Experience has shown that unsupervised local finance has, in Indiana, resulted in high taxes, large debts, and a vast waste of money. In the last quarter of a century, taxes for local purposes in the state rose from $19,000,000 to over $100,000,000, and the total local indebtedness rose to the sum of $176,000,000. When the citizen learns such facts, his faith in the universal validity of the principle of complete local self-government, and in the efficacy of local public opinion to curb local money-spending proclivities, is shaken. The public is inclined to look upon the system, not as an unwarranted invasion of local rights, since the state officers acquire jurisdiction only upon petition of local taxpayers, but as a means of protecting local minorities from exploitation.

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NOTES ON MUNICIPAL AFFAIRS

EDITED BY THOMAS H. REED AND E. B. SCHULZ
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City Manager Progress. To January 1, 1926, a total of 357 cities adopted the city manager plan of government. Of this number, the plan has an ordinance basis in 84 instances and a charter basis in 259. The status of 14 is not definitely known. Distribution by states shows Michigan in the lead with 39 and California next with 34, followed by Florida with 30, Texas 26, Virginia 24, Oklahoma 19, Ohio 16, Pennsylvania 15, Kansas 14, Georgia 12, Iowa 11, and North Carolina 11. Each of the remaining states has less than 10 cities operating under the manager plan. In all, the plan has been adopted by one or more cities in thirty-five states. The total figure of 357 includes 19 Canadian cities and 2 in New Zealand.

Boulder, Colorado. An attack on the city manager charter of Boulder was successfully voted down at an election held on November 3. Although the fight dealt largely in personalities rather than with vital points of the charter, the Hare system of voting was one of the main points of the attack.

Rochester, New York. Last fall Rochester joined the ranks of the cities which have voted to give the city manager form of municipal government a trial. On election day, November 3, the new charter was voted upon by the electorate, 39,020 persons indicating their desire to adopt it and 25,903 voting in opposition. The voters expressing a preference one way or the other comprised seventy per cent of those who voted on that day for the mayor of the city. This is the highest vote ever recorded in Rochester on a proposition of this nature. The vote in 1921 to give veterans preference in civil service and the soldiers' bonus vote in 1920 brought out fifty-eight per cent and fifty-six per cent votes, respectively, and up to the last election were the highest referendum votes on record in Rochester. It is safe to assume that the question received substantially maximum attention from the voters.

The charter was drafted with a careful consideration of the complexities in municipal law attendant upon the enactment of the home rule enabling act of 1923. At first glance, the problem would seem relatively simple. But an inspection of the conditions imposed indicates

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otherwise. In the first place, if a city in New York State has a charter which covers rather completely the whole range of municipal government it can be wiped out by enactment of a local law. But a complete new charter cannot be substituted, because the law expressly forbids enactments of local law which affect the schools or the courts. Consequently, cities having destroyed their charters find themselves incompetent to replace them by local action. In drafting the Rochester charter this consideration brought about the determination to proceed by amendment of the old charter, writing in new material, superseding or repealing certain parts, and eliding words and phrases inconsistent with the new plan of government. This resulted in a charter which is virtually comprised of three parts, i.e., new material, old charter sections retained intact, and old charter sections as changed by elision. The result is somewhat crude but is much more safe and secure in its operation than a smooth and tidy new charter.

Some legal questions are yet to be solved, for it was at no time hoped that litigation over the new instrument could be avoided. In fact, a suit is now (March, 1926) in progress to test out some of the new provisions. The most serious attack which this suit can make appears to be upon sections of the charter providing for non-partisan primaries and elections by introducing nominations by petition and ballots without significant emblems. It is evident that there is considerable doubt as to whether or not in New York state a city can work changes in the election law affecting the election of its officers, even though the home rule law does give cities the power to determine "the mode of selection" of their own officers. It is claimed that the election law "in terms and in effect applies alike to all cities," and that cities are without power to make changes in it. It is clear that the settlement can only be made by court adjudication.

The city manager plan was the result of a long and rather well worked out campaign of education and of fostering public sentiment. The first virile evidence of public interest came with the formation of a city government plan committee of nine members chosen from representative organizations. This committee requested the Rochester bureau of municipal research to assist it in gathering data and set about to discover the merits of the three most extensive types of city government. A large group of cities was visited by the bureau, and as careful an analysis of the local government as was possible in the available time was made and the results obtained thereby appraised. This committee, at the conclusion of its work, voted five to two (two members did not

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vote) to recommend the adoption of a city manager charter and urged that the Rochester bureau of municipal research do the work of drafting. The City Manager League came into existence at this juncture, endorsed the request of the plan committee relative to the drafting of the new charter, and proceeded to build up sentiment for the plan, finally enlisting about 22,000 members.

Initiation of charter changes under the New York home rule law is carefully reserved to the common councils or municipal assemblies of the cities. Unless the aldermen are willing, no changes can be made. Human nature naturally makes these officials reluctant to start a chain of actions which may result in making the chances of their remaining in office impossible or at least very remote. It is necessary for any community to demonstrate in an unmistakable way what it wants with regard to fundamental charter changes before the initial step toward their adoption will be made. The Rochester common council, after the manager charter had been introduced, learned that a monster campaign was planned along the lines of the organizations used for community chest drives and, acting before the date for the campaign arrived, adopted the new charter for submission for the people's approval at the fall election.

It became necessary to change the stated object of the campaign from a drive for signatures asking for a "right to vote" upon the charter to a campaign asking for out and out endorsement of the plan, and a pledge to aid in its adoption. This drive was most successful in many ways, for the 1,200 workers secured about 66,000 signatures. It was estimated that of the original 22,000 City Manager League members, 11,000 were signers of the monster petition. The balance of the members combined with the petition signers, made a total of 77,000 persons favoring the manager charter. The campaign was staged in August.

Of the 77,000 adherents, but 40,000 were registered on the registration days. This regrettable shrinkage was not entirely avoidable. It made the margin of certainty in the election uncomfortably small, but resulted in a concentration on the work of getting out the vote on election day.

Brisk and bitter opposition to the adoption of the plan centered in an organization which materialized a few weeks before election day under the banner of the "Non-partisan League for the Preservation of Popular Government." It should be noted that this seems to be the stock name for the city manager plan's opposition. It is probable that its appeal is found in the same underlying motive which makes the opposing orators

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call upon the shades of departed patriots to rescue the beleaguered city from the hands of those who are about to wrest the last remaining vestiges of liberty from an oppressed and downtrodden people. Though the Non-partisan League made progress in its campaign, its work was started too late; the City Manager League had worked up its support too thoroughly to be destroyed in three weeks.

Election day brought to a close ten months' strenuous effort on the part of the manager plan workers. It is known that since election day the plan has gained adherents; they are bound to come to any winning cause. Politicians are now burning the midnight watts, chewing on the stub ends of lead pencils, and figuring how they can work the new scheme to make the charter and the new government take nourishment out of their hands.

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Kansas City, Missouri. In February, 1925, Kansas City adopted the city manager plan by a substantial majority. The vote was 37,504 in favor and 8,827 against. The new plan went into effect in April, 1926. An interesting feature of the Kansas City charter is the more than ordinary emphasis placed on the position of mayor. The mayor is chosen by popular vote and is given a salary of $5,000 per annum. His position carries with it some appointing power and he is authorized to demand reconsideration by the council of any vote on the passage of an ordinance. In the campaign for the adoption of the new charter both Democratic and Republican parties were divided, and the instrument was adopted through the support of the dominant element in the Democratic group and that faction of the Republican party headed by the mayor and most of the city officials. Mr. H. F. McElroy has been chosen manager at a salary of $15,000. Previous to his appointment he served as a member of the county court in 1923 and 1924, and before that time was a member of the city planning commission.

Seattle, Washington. The success of the manager movement in Kansas City and Rochester was offset by defeat of the plan in Seattle on two occasions, namely, at the March, 1925, and March, 1926, elections.

In the election of March, 1925, the combined opposition of politicians and organized civil servants resulted in a defeat by 4,519 votes. A clause in the charter which provided that the city manager was to have the final decision regarding the dismissal of civil service employees accounted

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for the opposition of the city personnel. It is believed that a majority of Seattle citizens favored the plan in principle but were divided regarding details. The basis of this belief is the fact that at the same election three councilmen supposedly favoring a city manager plan were elected, whereas their opponents, who had actively fought the city manager amendment, were beaten by large majorities.

The results of the March 9, 1926, election do not clear the situation. The issue was somewhat confused in that voters were required to pass on a revised city manager amendment and at the same time on a proposal to create a freeholder's commission for charter revision. According to the latest unofficial reports available at the time of writing, the manager amendment was defeated by a margin of 103 votes, 36,709 against and 36,606 for. However, the voters endorsed the proposal creating a committee of fifteen to revise the existing city charter, by an apparent vote of 33,034 to 28,331. Near the close of the campaign the organization which backed the majority of the fifteen successful candidates for the committee announced that it would favor a city manager plan different from that which the voters rejected at this election. Evidently the manager movement in Seattle has not yet run its course.

At the same election Mrs. Bertha K. Landes was chosen mayor of Seattle. She has been a member of the city council since 1922, serving as president the last two years. Mrs. Landes is the wife of Dr. Henry Landes, dean of geology at the University of Washington.

Cincinnati, Ohio. Lieutenant-Colonel C. O. Sherrill of Washington, D. C., first city manager of Cincinnati, took office January 1, 1926. During the World War Mr. Sherrill commanded the 77th (New York) division, but since the war he has been generally out of line duty. He has been aide to Presidents Wilson and Harding and, more recently, supervisor of parks and public buildings in Washington, D. C. Of the nine members of the Cincinnati council, six are enthusiastic supporters of the new charter. Murray Seasongood, a leading Cincinnati attorney and father of the "Birdless Ballot" campaign, was elected mayor by the council.

Cleveland, Ohio. Opponents of city manager government call attention to the increased cost of the government of Cleveland under City Manager Hopkins. They point out the fact that in 1924 $1,868,000 more was spent from the general fund than in 1923 and that the surplus at the end of 1924 was only $528,000 as compared with a surplus of $1,523,000 at the end of 1923. Advocates of the manager plan argue that the apparently greater cost is offset by a higher quality of service. It is

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pointed out that when the city manager took office he found departments under-manned, employees under-paid, property neglected, equipment deteriorated, and engineering supervision inadequate. The balance left by the Kohler régime at the end of 1923 was expended, not in operation costs, but for capital improvements. Essential city services were improved all along the line.

Elections. *Kansas City, Missouri.* The first election under the new charter of Kansas City, which was held on November 3, 1925, was definitely partisan. At least, candidates endorsed by the two political parties were elected, and the general interpretation of the results is that the election was a test of the strength of the two parties and that the winning group will control the new administration as a party proposition.

Under the charter, four members of the council are elected from the city at large, four are elected one from each of the four districts, and the mayor, the ninth member, is of course elected at large. One of each of the members elected at large must reside in each district. The ballot is non-partisan. Candidates are nominated by petition. All except two candidates for each office are eliminated at a primary.

A considerable number of candidates were nominated. The Democratic party and the Republican party each nominated a ticket. In the campaign these tickets were not officially known by the party name, but were known by the names of the respective candidates for mayor; thus, the Republican group was known as the Beach group and the Democratic group was known as the Jaudon group. There was no independent citizens' ticket, and no organization was formed for the purpose of endorsing or electing such a ticket. At the primaries, all the candidates from the two groups were nominated, and no independents. Thus, the final election was a choice between Democrats and Republicans for the positions of councilmen and mayor. Three members of the council elected are Republicans, five members are Democrats, and the mayor is a Republican.

While this recital indicates that political parties have won a complete victory, it does not tell the whole story. The effect of the non-partisan ballot, a smaller number to be elected, and the elimination of the small wards was very evident, both during the campaign and in the result of the election. In the first place, the candidates were of a higher type than has been usual in Kansas City, and the council elected is the most capable the municipality has had in many years. In the election,

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Republican candidates secured relatively large votes in normally Democratic districts, and Democratic candidates secured relatively large votes in normally Republican districts. The influence of the non-partisan voter was very evident.

The result, then, is that the first administration under the new charter is regarded as a partisan administration. It is so regarded not only by the public generally, but by the councilmen themselves. The Democratic majority selected the manager and merely had its choice ratified by the council as a formality, none of the Republican members voting in the naming of the manager. The manager selected is a partisan Democrat and does not hesitate to say that the administration will be a Democratic administration. The heads of the various departments will very likely all be Democrats, and most of the positions of the city government will be filled by Democrats.

In spite of all this, those in Kansas City who are in touch with the situation are expecting rather good results from this first administration. The council is a capable council, far above Kansas City's average. The manager is a capable man, who would probably be a much better manager if he were not bound with partisan ties. Both the manager and the council seem determined to give efficient government, though they are, of course, handicapped by the necessity of considering partisanship in making appointments.

The administration will be an experiment. Will the concentration of responsibility and authority result in securing a reasonably high-grade government from a party organization which in the past has not given good government? If the result is good, a principal argument against the manager plan—that is, if it gets into the hands of political machines, it is bound to fail—will be destroyed.

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Cincinnati, Ohio. In the November elections of 1925, the city of Cincinnati chose nine councilmen to govern under the manager system. Perhaps the chief interest in this election lies in the fact that the council was chosen by proportional representation, under the Hare system of single transferable vote. Cleveland also uses proportional representation and, indeed, experimented in one election before this method was used in Cincinnati. Cincinnati is the second largest city in the United States to select its legislative body in this way; but it has the largest election district, comprising the entire city, while Cleveland is divided into four

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districts of unequal size. Further interest lies in the fact that there has been in Cincinnati a powerful political party which had dominated the community for years. This party machine was unable to utilize the new election machinery to continue in power. An analysis of the election may be useful as showing whether the proportional representation system will reflect the popular will and constitute machinery the people are competent to use.

The situation leading up to the charter amendment of 1924, which abolished the mayor and large ward-council system of government, with officers elected on party ballots, and substituted therefor the city manager plan, with a council of nine members elected at large by proportional representation, has been commented upon in these pages.[1] The vote was decisive (92,091 to 40,365). It is doubtful whether the proportional representation sections of the amendment brought it election strength. There was more interest in the non-partisan feature, although a movement to abolish the party circle on the ballot, out of which the successful plan evolved, had developed little strength. The manager plan was generally approved, but the real motive in the reform lay in the desire for a change in control. The Republican party would have lost almost any election held at that time. The problem for the new charter proponents was to sustain popular interest during the intervening year and elect officials sympathetic with the new system of government.

A city charter committee had been organized to win the charter election. It had fought for an issue, not for candidates. It developed a well-organized ward and precinct machine and political generals of unusual sagacity. Its purpose accomplished, what should be its course? Should it put a ticket in the field? If so, should it endorse a full slate or a partial one, in the hope that the independent candidates would bring aid from all quarters? Should it stand for issues rather than men and refuse to form itself into a political party? There were differing counsels for a time. But practical necessity decided the issue and a slate of nine candidates was made out, each of whom promised to support the charter ticket. Effort was wisely made to balance the ticket, and three places were accorded the Democrats. This minority group had seldom secured more than a single representative out of the thirty-two in the large council. Having fared so well on the charter ticket, the Democrats decided to put up no ticket of their own. The election was, then, in a measure, a fusion movement of the minority party and the independents.

[1] Vol. XIX, pp. 326–31 (May, 1925).

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The others were Republicans. One of the independents, Murray Seasongood, had for two years been the leader in attacking boss rule in Cincinnati, and another had been an insurgent member of the old council for ten years and had held other public offices. Two charter candidates, both Democrats, were Catholics, another was prominent in Y.M.C.A. and church work, and another was a Jew. Four were lawyers, three business men, one a labor leader, and one a social worker. Geographical requisites of a well-balanced ticket were fairly well observed. The Republican organization was slow to act and apparently was at something of a loss to know how to use the new machinery. Conferences with the party leaders in Cleveland brought the reassuring statements that the new method was as easily handled as the old. After the time had elapsed when nomination papers might be filed, the Republicans endorsed six candidates. At one time there were seventy candidates in the field. Many had entered the race in the hope of endorsement by one of the groups. Some of them now dropped out. All six of the Republican candidates were of the machine type. There was no "window dressing" of prominent citizens as of yore. Four had been in the council, another was president of the central labor council, and a sixth was a junior order trustee.

The campaign strategy of the Republicans differed from that of the charter committee. Previous municipal elections showed their strength as follows: in 1919, 69,547 votes to 41,061 for the Democratic, 22,122 for the Independent Republican, and 3,015 for the Farmer-Labor candidate; in 1917, 43,358 to 38,848 for the Democratic contestant, and 11,038 for the Socialist. Normally, they should elect five or six of the nine councilmen, and they decided to concentrate their efforts on securing control of the council and the manager. They further apportioned the city into six districts, instructing their workers in each to throw the support to the candidate to whom it was awarded. This system was of doubtful value. While nothing was gained by submitting the shorter ticket, probably nothing was lost, unless there had been hope of electing a seventh councilman or that the seventh, eighth, or ninth might have brought added strength to the ticket. But the ticket they banked on represented machine strength only. The allotment of districts was not entirely satisfactory to the candidates, particularly the stronger ones. In newspaper support the charter committee had the advantage.

On election day there were thirty-nine candidates. The names rotated on the non-partisan ballot. At the same election six other ballots were voted and four different methods of marking were employed. On

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the councilman ballot, preferences were recorded by numerals; the school board and judicial ballots were marked by crosses before the names of the candidates on non-partisan, rotating ballots; while the ballots for constitutional amendments differed from the ballots on city bond issues in having the place of the cross before rather than after the statement of the issue. The omission of a ballot of the party circle type was an unusual feature. Yet the number of spoiled ballots was surprisingly small. A few used numbers on the bond issue and school election ballots; some used crosses on the combined ballot. But the percentage of spoiled ballots was only three (half being void because blank), whereas in Cleveland it was 7.6. And this included all ballots marked with ink or other pencil than the one supplied officially. There was no evidence of confusion at the booths. The vote from some of the negro precincts was, however, unusually light.

The Cincinnati charter provides that there shall be no opening of the ballot boxes in the precincts. All were sealed and taken to a central counting room in a convention hall. This undoubtedly diminished the opportunity for a dishonest count. It is probable that the success of the charter committee in both the 1924 and 1925 elections was largely due to its close supervision of the counting process. The counting method used was to distribute the ballots, precinct by precinct, into thirty-nine drawers corresponding to the respective candidates. The first count showed not only the relative strength of the two parties but that those without organized party aid were hopelessly distanced. Of the 119,487 valid votes cast, the charter group received 76,129 on the first count, the Republican group 33,125, and the unendorsed candidates 10,333. If the party lines held, it was to be expected that the charter committee would secure six places and the Republicans two, and that the ninth place might go to either, or possibly to an independent. The quota necessary to elect was 11,974, which was exceeded by but two of the candidates, Mr. Dixon and Mr. Seasongood, both of the charter ticket, with 21,699 and 20,543 votes respectively. The third, sixth, and seventh candidates were Republican.

The next move in the count was to distribute the Dixon surplus votes. Would they go to another charter candidate, another Catholic, another Irishman, or another from the section in which Mr. Dixon resided? Interest in the distribution of Mr. Seasongood's surplus was equally keen. Space does not permit an analysis of these transfers, nor of those of the eliminated candidates. Suffice it to say that the only "group consciousness" notable was that of the two organizations supporting

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tickets. Few transferred votes crossed from one group to another. The religious, nationalistic, and residential "blocs" talked of so much failed to develop in this election.

The counting was slow and expensive. The final elimination which decided that the ninth place would go to a Republican came on the eleventh day after the election. This gave the charter committee six and the Republicans three of the nine seats. The cost of conducting the election was approximately $75,000—some $35,000 in excess of the usual figures. A saving of over $30,000 was effected, however, by the elimination of the August party primary. It should be said in this connection that as this was the first election of this character, and a very large one, it was difficult to visualize and plan for it; and a contested election, with a possible recount, was above all to be avoided. The election board moved cautiously—though it was not above employing clerks who were more useful at the polls during the election than in counting the ballots after. An official of the Proportional Representation League, who watched the election carefully, stated that well-trained clerks and more mechanical divisions could have reduced the time required to one fourth that used, and also the cost of the election materially. This opinion is shared by the chairman of the charter committee.

The result of the election has been well received. The people, in general, elected the candidates they preferred and seem disposed to regard proportional representation as a successful device for accomplishing their end.

S. Gale Lowrie.

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New York City. State Senator James J. Walker, Tammany Hall candidate was elected mayor of New York by a plurality of about 400,000. The Smith-Tammany forces were successful all along the line. General Charles W. Berry was elected controller and Justice Joseph V. McKee president of the Board of Aldermen, and a great majority of the seats on the Board of Aldermen were secured by Democratic candidates. The Democrats also gained complete control of the Board of Estimate and Apportionment. The victory was a decided triumph for both George W. Olvany, new leader of Tammany, and Governor Alfred E. Smith, who supported Walker in the primaries as well as in the election.

Boston, Massachusetts. For the first time in sixteen years, the mayoralty of Boston is held by a Republican. Mr. Malcolm E. Nichols

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was the winner in the November elections by a small plurality over the next highest candidate. The success of the Republicans was made possible by factional warfare in the Democratic party. Of a total vote of approximately 150,000, nearly two-thirds were cast for candidates other than Mr. Nichols. Theoretically, of course, the election was non-partisan, but almost all of the candidates stressed their party affiliations. At the same time, Boston also voted for a new city council of twenty-two members—an enlarged body with a member from each ward.

Cleveland, Ohio. On August 11, 1925, an attempt to strike out the proportional representation provision of the Cleveland charter was defeated by a narrow margin in a referendum vote. In all, 20,918 voted to retain P. R. and 20,353 to discard it. The result of the election was somewhat of a surprise. In the first place, the vote was unusually light, less than one fifth of the city's electorate participating. In the second place, the victory of P. R., despite the united opposition of Democrats and Republicans, was quite significant in view of the light vote cast. Party leaders had assumed that if the vote was light they were bound to win, since they were certain that their own forces, at least, would turn out *en masse*. Under the circumstances, the vote seems to indicate the extent to which the power of the two old parties has been nullified in Cleveland.

Having survived the August election, P. R. received its second application in the councilmanic election of November 3. The results were not unusual. Many of the old councilmen were reëlected, and party lines remained about the same. The Republicans are still in control of the council. No change in the operation of the city manager plan is likely as a result of the election, for City Manager Hopkins is in so strong a position that any effort to dislodge him seems extremely unlikely at present.

Home Rule. *In New York.* The progress of the home rule experiment in New York State was considerably handicapped during 1925 by the question of the validity of the constitutional amendment itself, which was raised in connection with litigation in New York City to restrain municipal ownership and operation of buses. The question presented in the case of *Browne v. The City of New York,* 241 N. Y. 96, was not a home rule question, but a question of the procedure to be followed in amending the New York state constitution (see McGoldrick, "Home, Rule in New York State," published in the REVIEW for November 1925, for a discussion of the case and of the amendment itself). From

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July 6, when the Appellate Division of the Supreme Court in New York City pronounced the amendment void, until September 2, when the Court of Appeals, the highest court in the state, unanimously reversed it, few of the cities of the state were inclined to invoke their powers under it.

Two important pieces of legislation were, however, passed during this interregum. Both were charters. The first was the widely heralded city manager charter of Rochester. The second was a commission government charter for the little city of Sherrill, with 1,716 inhabitants, which was submitted to the people at a special election and ratified on August 11. The Rochester charter did not come before the people until the regular election in November, when, the home rule amendment having been completely sustained, it was ratified by a very substantial vote. It is understood that the local political organizations of the city would have been far less ready to pass the charter through the council had they not labored under the impression that the home rule amendment was quite dead. The vote on the submission of the charter was actually unanimous. This action later precluded open opposition from the political factions, though their support was mild.

The preparation of the charter in Rochester presented some interesting legal questions that demonstrate the difficulty of securing a genuinely new city charter under the New York amendment. A city's powers extend only to its "property, affairs, and government." It may touch no other matters in its existing charter. It may, on the other hand, go to the extent of repealing, as far as it is concerned, any law of the state dealing with its "property, affairs, and government" which does not apply in both its terms and effect to all cities of the state alike. Rochester could not, therefore, abandon its original instrument, but it could include many new or altered arrangements on topics within its power. In drafting the new charter, the existing provisions which the counsel of the charter group decided could not be altered were carried over, and at the end of the document is appended a list of existing state laws repealed by provisions therein contained. Little Sherrill bothered with no such problems, but proceeded to write its charter (which equals that of Rochester in length) *de novo*.

These two documents fill almost a third of a volume of local laws which the Secretary of State is about to publish for 1925. The volume has grown now to 310 pages, as compared with 80 last year. Up to the close of the year, 13 of the state's 58 cities had taken no action. Since that date, two, Ogdenburg and New Rochelle, have commenced local

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legislation. With the exception of Troy, the cities which have taken no action are smaller than the average city in the state. Six of the cities which acted in 1924 passed no legislation during 1925. The total has now grown to 253 local laws, of which 24 were added during January and February of this year. The average, excluding New York City, which passed 20 before this year, is slightly more than 5 apiece for the other 44 cities which have acted. At least one of these five is the result of the required provision for hearings on local laws. The small quantity is in part attributable to the uncertainty caused by the Browne case and in part to the caution inspired by the approach of municipal elections. The total is very much below the amount of local legislation in the state legislature annually before the amendment. Most of this difference, however, may be attributed to the fact that New York City has made relatively little use of the amendment, whereas its charter formerly consumed a great deal of the legislature's attention.

The character of the local legislation is of a piece with its quantity. Few of the laws enacted have been of any particular significance or novelty. Salary and pension items continue to predominate, especially since November. Thirteen of the twenty-two bills introduced in the New York City municipal assembly since the opening of the year relate to pension and civil service matters. The same is true of half of the bills enacted last year. It should be pointed out, on the other hand, that many of the bills are matters of local administration, and that certainly all of this legislation should be enacted by those responsible to the local electorate. Indeed, the attention of the local electorate is probably the most significant check upon the local legislative output. While the home rule experiment has thus far been productive of few constructive achievements, the Rochester charter being the one striking exception, there is little indication of any desire to have the state resume its jurisdiction in these matters, except, perhaps, as to pensions.

Litigation has made little progress. The case of *Browne vs. the City of New York* is the only one to have been passed upon by the final court. The court decided merely that neither the amendment nor the enabling act empowers cities to engage in the operation of bus routes. It declined to say whether the city possesses any powers over public utilities. The prohibition enforcement laws enacted by Watertown and Geneva have reached the Court of Appeals. There are also a number of civil service cases involving legislative enactments challenged under the general laws clause.

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The cities are approaching this newly granted power with noticeable and creditable circumspection. If there have been no outstanding constructive results, it is equally certain that there have been no tendencies that need in the least weaken the confidence of its proponents in the ultimate beneficence of this experiment.

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In Wisconsin. The enabling act passed by the 1925 Wisconsin legislature in order to give effect to the home rule amendment of 1924 provides a variety of methods of home-rule charter making. Charters or charter amendments may be submitted to the people directly by initiative petition. City councils are also given the authority to draw up charters or charter amendments and submit them to the people. A third alternative permits a city council to submit to the voters, in one or more forms, the proposition of holding a charter convention. The Wisconsin act does not require that the first exercise of home rule powers be the adoption of a wholly new charter. Amendments to existing legislative charters are at once in order.

In Minnesota. At the spring session of the Minnesota legislature, the so-called "Indiana plan" was defeated. This plan gives over to a state commission a large measure of control over city budgets. The defeat of the plan is heralded as a victory for the principle of municipal home rule. The measure was actively opposed by the Minnesota League of Municipalities. The Minneapolis Real Estate Board and the Minnesota Real Estate Association supported the bill.

In Illinois. The latest development in the controversy between Cook County and the down-state counties relative to reapportionment of the legislative districts in the state is a threat of secession from Illinois to form a new state. A resolution adopted by the city council of Chicago on June 30 calls for a two-year campaign for reapportionment, which is to be followed by a secession movement if the general assembly once more fails to redistrict the state at the 1927 session. Despite the provision of the state constitution that there shall be a reapportionment every ten years, no such reapportionment has been made since 1901. The lack of action is attributed to the reluctance of down-state representatives to give Cook County virtual control of the legislature. Secession seems unlikely, but it is probable that a compromise will be reached at the next session. An obstacle to the possible secession movement is the

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provision in the United States constitution that no state may be divided without the consent of the legislature thereof.

Planning. *City Plan of Cincinnati.* Cincinnati, which is the first large city to adopt a comprehensive city plan, has a program looking forward fifty years. The plan embraces not only the present city area but an additional three-mile area outside. With a view to guiding intelligently the expansion of the community, the plan makes provision, in the most careful detail, for comprehensive zoning, transportation, recreation facilities, and prescribed methods of financing. The ordinance provides that there can be no use of private property contrary to the zoning and platting regulations of the plan, except uses in existence at the time of the plan's adoption. A two-thirds vote of the city council after public hearing, plus the approval of the department affected, is necessary for the location or development of a street, building, or public utility contrary to the plan. A complete new plan for handling traffic in the downtown section is included, together with specific arrangements for re-routing traction lines and bus lines where advisable. The transportation program includes recommendations for re-routing through freight around Cincinnati and for the location of a union passenger station and yards. The work has been done thoroughly, both as to essential details and as to legal safeguards designed to ensure the carrying out of the provisions of the plan. The Cincinnati plan seems destined to be one city plan that will be given adequate opportunity for realization.

Metropolitan Consolidation in the Pittsburgh Area. At an extra session ending February 18, 1926, the Pennsylvania General Assembly approved a proposed constitutional amendment authorizing the General Assembly to provide by law for the consolidation of the cities, boroughs, and townships of the county of Allegheny into a consolidated city government to be known as the city of Pittsburgh. The amendment provides that any such law shall be submitted to the electors of the county for approval. According to the Pennsylvania constitution, this proposed amendment must be passed by the General Assembly next chosen and then adopted by the voters of the state before becoming a part of the constitution. There is no area in the United States in which the metropolitan problem exists in more aggravated form than in the district including Pittsburgh. The territory around the present municipality includes three third-class cities, sixty-eight boroughs, and fifty-five towns. The total population of these units is about fifty per cent greater than that of Pittsburgh itself.

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Under authority given at the 1923 session of the legislature, the governor of Pennsylvania appointed a commission to study municipal consolidation in counties of the second class. This commission reported to the governor and General Assembly on February 28, 1925. In its report the commission, of which Joseph T. Miller of the borough of Edgewood is chairman, recommended the establishment of a consolidated government in Allegheny county, so organized as to leave the constituent smaller municipalities "proper and reasonable control of their local affairs." The 1925 legislature, which continued the commission in existence, made a small appropriation for its expenses and authorized it to receive contributions from the cities and boroughs concerned and also from private sources. The commission proposes to make an adequate study of the whole financial and administrative situation in the area.

Cities Unite to Get Water. A year or so ago nine cities on the east side of San Francisco Bay, including Oakland, Alameda, and Berkeley, united to form the East Bay Utility District for the purpose of obtaining an adequate water supply. A bond issue of $39,000,000, to be used for the construction of a reservoir at Lancha Plana, has been approved by the voters of the district. Lancha Plana is eighty-seven miles distant.

Regional Planning in New York State. Industrially, the Niagara frontier, including Erie and Niagara counties, is part of an area of which Buffalo is the center. Politically, this area has been split up into many different units. The apparent necessity for centralized control led to the passage of a bill at the last session of the New York legislature creating a commission to investigate and report on the situation. The board is composed of city and county officials of the Niagara region.

Miscellaneous. *The Death of George Burnham, Jr.* George Burnham, Jr., treasurer of the National Municipal League from 1894 to 1919, died November 22, 1924. The field of municipal government has lost a tireless worker. The following quotation from the Philadelphia Public Ledger is a fitting memorial: "He stood consistently for everything that was honorable and upright and law-abiding in municipal government. . . . His city will commend him to posterity as a shining example of high-minded citizenship."

Financial Program of Detroit. A committee of two bankers and three manufacturers, appointed by the mayor of Detroit, has drawn up a ten-year financial program for the city. The original estimates by

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departments and commissions of projects and improvements already under way or deemed necessary totalled a billion dollars. The committee reduced these estimates to $444,991,000. According to the committee's program, the necessary revenue is to be obtained from the following sources: departmental revenues, $10,085,000; special assessments, $63,528,000; bonds, $273,113,000; taxation, $98,265,000.

Municipal Ownership Ordinance Defeated. Chicago voters decisively defeated an ordinance sponsored by Mayor Dever that would have permitted the city of Chicago to acquire the local surface and elevated lines. The measure was lost by a majority of 105,000 at the election of April 7. A widespread feeling that the plan, although apparently giving the city control, was actually to the advantage of the interests that have dominated traction affairs in Chicago for years, was one of the main factors in the defeat of the ordinance. The plan provided that the city shall take over and unify the surface and elevated lines; and control and management were to be vested in a municipal railway board composed of nine members, three to be appointed by the city, three by a security-holders committee, and three to be chosen jointly by the committee and the mayor. Tenure of office was set at nine years, and no provision was made for removal. The project was to be financed by the issue of bonds against the property acquired and the earnings o the utility.

Ohio Amendments Voted Down. Ohio voters disapproved of three proposed amendments to the Ohio state constitution at the election of November 3. One of the amendments sought to write into the constitution the contents of the Griswold law imposing restrictions upon municipal indebtedness. Another, known as the "classification amendment," sought to remove intangible property from the application of the rule that taxation on all classes of property must be uniform. The third amendment provided a four-year term of office for state and county officials who are popularly elected.

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FOREIGN GOVERNMENTS AND POLITICS

EDITED BY WALTER J. SHEPARD

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Women Members of European Parliaments. Rose Macaulay, among others, has said that "women are always news." When all else fails, murders, suicides, and divorce cases, journalists can still propound some such question as "can a woman drive a car as well as a man?" and they are sure of a hearing.

If it were not for the eternal interest of the public in women as women, women in parliaments would no longer be news. In these last few years there have been nearly a hundred sitting in the various parliaments of Europe, and now and then even the newspapers have shown signs of forgetting that they are there.

There is something odd about the geographical position of the countries in which these women members, deputies and senators, are to be found. They exist in a fringe around the north and east of Europe. France, Italy, Spain, and the other countries along the Mediterranean are out of it entirely. Upon closer analysis the situation grows even more mysterious. To find the group of women legislators of longest standing, one must go up beyond the Scandinavian countries, to the Finns, who live farther north than any other civilized people in the world. There are nearly twenty women in the Finnish parliament, and one of them has served her fifth three-year term.

The Scandinavian countries, the familiar homes of women doctors and women lawyers and women scientists, all have women in their parliaments. What is there about the barren north which stimulates women to go into law, medicine, and politics? And what is there about blue Mediterranean skies which keeps them out of the professions and out of politics, and induces them to spend their days running little shops? Some promising candidate for a doctor's degree in sociology should contemplate the merits of this question as a thesis subject.

We should expect to find women legislators in the Scandinavian countries and in Holland; but in Germany, where the Kaiser's three "K's," *Kinder*, *Küche*, *und Kirche*, have been accepted as a kind of creed for women, the phenomenon is a little more unexpected. And yet there

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have been from thirty to forty women in the German Reichstag since the Weimar constitution was adopted.

In the Ukraine, that uneasy and unsettled fragment of old Russia, there have been several women in each post-war parliament. Hungary, the exponent of an ancient and conservative order, has had one woman member, and at the other end of the scale Czechoslovakia, which is called the socialist republic of Europe, has had ten to fifteen women in its two representative houses since the new government was established. And of course there is always England, with its firebrand first member, Lady Astor, elected in 1919, and its eight members, three Conservative, two Liberal, and three Labor, under the Labor government of 1924.

Lady Astor, formerly Nancy Langhorne of Virginia, the first woman to be elected to the House of Commons, took her seat in 1920. She is a nervous, wiry, attractive little woman, with a ready wit. She has played her part in many scrimmages in the House since she first took her seat, and the other members have learned to know that a quiet dark hat and a quiet dark tailored suit do not indicate a quiet and retiring "lady member." Her maiden speech was on the subject of prohibition, for she is one of the most active enemies of "the trade," as the business of manufacturing alcoholic beverages is called in England.

Lady Astor's own description of her own methods is given in the following words by Marjorie Shuler in the *American Review of Reviews* for January, 1924: "I get very keen on a thing and go after it. The men say 'There's that terrible woman'; and they run away from me. They turn to Mrs. Wintringham and say, 'There's that good, kind, homely woman; let's talk to her'. And Mrs. Wintringham just smiles and smiles, and skins them alive—but they don't know it."

Mrs. Wintringham was one of Lady Astor's first colleagues. When there were only three women in the House, Lady Astor, Mrs. Wintringham, and Mrs. Clara Phillipson, they were known as "Society, Sobriety, and Variety." Lady Astor was obviously "Society." Mrs. Phillipson, who had been on the stage before her marriage, was "Variety." And Mrs. Wintringham, whose manner Lady Astor accurately described in the words quoted above, was quite as appropriately "Sobriety."

Margaret Bondfield was easily the most conspicuous member of the group of eight women in the House of Commons under the Labor government of 1924. She is a vigorous, bright-eyed, dark-haired woman, who started professional life as a clerk in a shop. She has held one position after another of great importance in the trade-union world, and finally, as parliamentary secretary to the ministry of labor, she became the

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first woman member of a government. In that capacity she was called upon to make a number of speeches from the government benches. Her first, one of the newspapers said on the following day, was "the first intellectual speech by a woman the House had ever heard." Her voice is clear and good; not powerful, but pleasant and at the same time penetrating; and after she learned the technique of constructing a speech indicating government policy, she became one of the Labor government's most effective speakers.

The most picturesque figure in the German Reichstag in these years of women's participation has been Baroness Katharina von Oheimb, a member, until recently, of the People's party. Yet the rest of the women in the Reichstag regarded her as an outsider and openly called her one, for the reason that the possession of wealth and social standing played a part in her political advancement, while almost all the others stood on independent reputations as teachers, social workers, or professional women in other fields.

Baroness von Oheimb has been married three times. Of her first husband history records little. The second, the very wealthy Herr Albert, fell over a precipice one day when he was walking in the mountains with his wife. The third, Baron Joachim von Oheimb, gave the Baroness an enviable social position to add to her already considerable wealth, and they subsequently separated. The Baroness now has important business interests, and she is the editor and publisher of Berlin's picture paper "ABC." She has political as well as social influence, and her political dinners are famous. She is said to have told the late President Ebert over the telephone, when he suddenly said, in a moment of caution, "What if we were overheard!" "It would greatly enhance your reputation, Fritz."

In spite of the fact that she is regarded by the other women members as an outsider, Baroness von Oheimb was, and remains, the most influential woman in German politics. She is the only woman who is trying to enlist the interest and active support of German women as voters. She has broken with the People's party, and has apparently considered forming a separate women's party.

Baroness von Oheimb lost her seat for a reason which would be comprehensible in the field of politics the world over. Just before the elections of May, 1924, a writer in the Berlin *Kreuz-Zeitung* taunted the People's party with its "petticoat politics." The Baroness promptly replied that the customary Conservative ignorance was illustrated by that remark, for petticoats had not been worn for years. Unfortunately

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for the Baroness, her constituency, Magdeburg, clung to the older customs in dress. At the next election Baroness von Oheimb ceased to be its representative.

The other women members of the Reichstag have been less active. They have spoken little from the floor, and they have not been put on important committees. Individually they are vivid enough. Dr. Else Lüders, a member of the Democratic party, was a departmental chief in the civil administration of the Germans in Brussels. It is said that it was she who solved the problem of the long Reichstag discussion as to whether the body of the murdered Rathenau should be carried past the statue of the old emperor. She simply went out and telephoned Madame Rathenau, who replied, "He was always a good friend to my husband; why should his statue be covered up?"

"Comrade" Zetkin, who is Clara Zetkin of the Communist party, is an equally vigorous personality. She was the first Communist to speak in the Reichstag, and she boldly made her maiden speech an appeal for Russia. When, on another issue, she was "booed" from the Right, she threw back, "Nothing but stage thunder to the accompaniment of calcium lights!"

The one woman in the Swedish Senate—there are several in the lower house—is Miss Kerstin Heselgrin, chief women's factory inspector for Sweden. When she was asked to become a candidate for office, she said she could have none of the bother of a campaign, and started off on a factory inspection tour. On the day she came back to Stockholm she noticed in the morning paper the fact that she had been elected to the Senate.

Czechoslovakia has had its unique incident, for although there are a number of women in the two houses, representing the assortment of political parties which is universal in Europe today, Alice Masaryk was elected unanimously by all parties, as a kind of tribute from the nation. The Czechoslovak lower house has members of another tradition as well, for Slovak women with shawls over their heads, representatives of a class which regards the hat as an occidental affectation, clump heavily down the aisles of the chamber.

Finland's woman legislator of the five three-year terms, Miss Annie Furuhjelm, represents another type still. She is the daughter of the last Russian governor of Alaska, and is a newspaper editor, an accomplished linguist, and a strong internationalist. Hungary has seen a working woman, one whose career is something like Margaret Bondfield's, have lively times as a Socialist member of a Nationalist house.

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Except in Finland, where women serve on important parliamentary committees, the activities of the delegations of women have been modest. Even in Finland they do little speaking from the floor. A German woman sits on the upper tribune at the right hand of the president of the Reichstag as clerk of the house, but there is little else that is spectacular. There is almost no tendency to act as a body; in fact, unified action is almost impossible. Take the Netherlands as an example; that country has had seven women, one from each of the seven political parties, in parliament at the same time. Action as *women* was clearly out of the question.

Because of the number of political parties which the women have represented and the small number from any one party, the popular question "Are women a failure in politics?" has little meaning, as far as European parliaments are concerned. The question is probably suggested by the fact that they have obviously done little as a coherent body, as clericals have, for instance, or peasants, or communists. It is ridiculous to suppose that women elected from seven different political parties should ever attain the same unity of interests as seven peasants. It is the last thing which should be urged. If the women as women have had little influence, it is as it should be. What their well-wishers should hope is that as parliamentarians, speakers, committee workers, promoters of legislation, they will be increasingly able representatives of their constituencies, composed of both men and women as these constituencies are.

For Americans there is a much more disturbing question to be contemplated. It is this: should the class of women eligible for American political life be limited to widows? The Europeans, that is, the Continentals, seem to have an odd idea: that women's qualifications to act as representatives of voters are much like men's; that an eminent teacher, doctor, lawyer, or writer has demonstrated some sort of ability which might serve the country well if it were turned in the direction of politics. Out of Holland's seven women there were three lawyers and one physician. Norway's two members were an architect and the head of a large girls' school. Sweden's senator was chief women's factory inspector. And so the roll proceeds, with almost no exception, save in England.

But the United States, in a strange and sentimental nepotism, prefers widows. Perhaps it is our idea that the American woman is a kind of clinging ivy to her husband's oak; that they are two minds with but a single thought, and that a constituency which has found itself

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admirably represented by a husband, unfortunately deceased, can have equal and identical perfection by electing his widow to take his place.

Perhaps it takes a particular kind of ability to live with one of our masculine representatives at Washington; the characteristic of being a good mixer, say; of being able to deal with refractory and wilful personalities; and any one who survives that association may have durable and excellent personal qualities. Or perhaps we merely wish to pay a sentimental tribute, of the kind we offer when we subscribe to a memorial window: something to please the family.

Whatever the reason, American voters would do well to employ a little psychoanalysis on the question; and to make sure that the widows —who, it may be noted, are not prone to re-election—are, in fact, the only women citizens who should be sent to Washington.

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Reconstruction of the Hungarian Parliament. Since the revolution of 1918 the Hungarian Chamber of Magnates, noted among upper chambers for its longevity, has been in a state of suspended animation. Unlike the lower house, the Chamber of Deputies, which disappeared under the tidal wave of revolution at the outset of the Karolyist régime, it never was formally dissolved. Both houses of the Hungarian parliament, yielding to political realities, suspended their sessions and disbanded, many of the members of the upper chamber scurrying to regions under Allied occupation for protection against possible excesses of the revolution. Following the brief interlude of extra-constitutional Karolyist republicanism, under the legislative auspices of the Hungarian National Council, came the communist revolution which swept before it all remnants of the older constitutional structure. But not for long. On the collapse of the Hungarian Commune it became the onerous task of the Allied Governments to find, or to create, a constituent authority capable of assuming unreservedly the obligations of peace-making and domestic reconstruction. The First National Assembly, elected by decree of Stephen Friedrich, then the liaison between the Hungarian nationalists and the Great Powers in Paris, was the result. This single-chambered body, distinctly smaller than the old Chamber of Deputies because of the territorial reduction of Hungary, became, for the purposes of the Allied Governments, the sole repository of national power, and was acknowledged by them, as well as by the nation itself, to have constituent authority.

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Exercising such authority, the First National Assembly made its peace with the Allies, accepted dolorously the territorial delimitations and economic servitudes of the treaty of Trianon, and, by the now famous Constitutional Law I of 1920, rehabilitated the executive department of government, substituting for an amorphous "national government" the regency of Admiral Horthy. In addition, following the Karlist adventures of 1921, it dethroned the Habsburgs, thereby rescinding the most solemn constitutional document in Hungarian annals, the famous Pragmatic Sanction of 1723, though retaining unimpaired the free right of the nation to elect its king. Other constituent activity of the First National Assembly consisted in a revamping of the judicial system and a retrenchment of local organization to conform to the territorial prescriptions of the treaty of peace. Only in relation to the provision for its successor, a national legislative body, did the First National Assembly temporize, due, in part, to the desire of the more ardent nationalists not to acknowledge definitively the truncated area from which the nation's representatives should come, and, in part, to the desire of both the regent and Premier Bethlen to manipulate the franchise to their own liking. Suffice it to say that, though the venerable Count Apponyi had advocated in the campaign preceding the elections the creation of an upper chamber of technicians as the solution of the nation's legislative problems during an era of reconstruction, and though M. Tomcsanyi, the first minister of justice under Count Bethlen's régime, had enunciated the broad lines along which the rehabilitation of the upper chamber should proceed,[1] the First National Assembly passed out of existence after two years of masterly inactivity without tackling the problem of legislative restoration.

The Second National Assembly, elected for a five-year term in June, 1922, under the truncated franchise produced by the notorious Klebelsberg decree, did little more than its predecessor until the vital problem of financial rehabilitation had first been dealt with. Once this was satisfactorily disposed of under the auspices of the League of Nations, it became possible for the Royal Hungarian Government to examine more attentively the problem of the consolidation of the existing constitutional order and to determine both the composition and powers which a reconstructed parliament should have. Naturally, the reconstruction of the lower chamber, being of more vital concern to the existing National Assembly, was first undertaken. As might readily

[1] The text of this project is found in the Budapest *Szozat*, July 1, 1921.

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have been anticipated, the body elected under the Klebelsberg decree crystallized into law the political manoeuver of 1922 and perpetuated, in a statute of July 5, 1925, the essential—and reactionary—portions of the document that gave it birth.

The electoral law is unique in the annals of post-war Europe, not even the Fascist experimentation with electoral jugglery having produced so conservative a document. Perhaps its nearest modern kinsman was the revamped electoral law of 1907 for the Russian Duma, whereby Stolypin undid at a stroke the effects of the older Bulygin law under which the first Duma had been elected. Under the terms of the new law the right to vote is accorded to all men twenty-four years of age who have been Hungarian citizens for ten years, who have resided in a given locality at least two years, and who have had at least four years of primary education. Women thirty years of age who have had six years' schooling also enjoy the vote, though mothers of three children, and women who earn their own livelihood, obtain the franchise with only four years' education. Graduates of institutions of higher learning (in which, it will be remembered, there is a *numerous clausus* for Jews) have the right to vote irrespective of age or sex. The signatures of either one thousand electors or ten per cent of those registered in any district are required to place a candidate in nomination. Voting is secret in Budapest and in cities with municipal home rule, as well as in certain enumerated industrial centers; elsewhere, voting is oral. All propaganda by flags, posters, etc., is forbidden, and electoral meetings are restricted in number and kept under police surveillance. Such is the gist of the law.

Of particular interest are the reasons adduced for its adoption, as well as the arguments of those opposing its enactment. The introduction of the governmental project[2] in February, 1925, immediately brought back to the National Assembly the various liberal elements that had been boycotting it because of its reactionary measures, and the Budapest Aventines of all complexions voiced their extreme disapprobation, particularly with regard to the oral voting features of the bill. From the extreme Legitimists like Count Julius Andrassy to the Social Democratic group headed by Julius Peidl, consistent opposition to this feature was voiced as "anti-democratic" or "reactionary," or as destined to perpetuate the domination of the upper classes over the Hungarian workingman. Nor did Count Bethlen, in defending the project, deny these

[2] For an excellent analysis of the bill, see *Bulletin Périodique de la Presse Hongroise*, No. 88, April 2, 1925.

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charges outright; rather he invoked the dangers of the concession of too extended a franchise.

"We do not fear the people," he declared, "but we discover that up to the present time the ruling classes have not preoccupied themselves with the lower classes of the population—a thing which constitutes a grave danger. We are obliged to note this fact and it is necessary to admit it our duty not to put a knife in the hands of children who do not know how to use it. On the contrary, it is necessary for us to repair the errors of the past and to prepare the ground on which the extension of political rights can be made. . . . Can one admit that each person should decide according to his lights the questions touching the public welfare and the general progress? A nation, however attached it may be to liberty, cannot assure its future unless it allows itself to be directed and governed. To abandon the fate of the nation to ignorant masses who know neither how to direct nor how to govern is an insensate thing for which no responsible politician could assume responsibility."[3]

In direct contrast to this point of view was the attitude of Count Apponyi, who warned the National Assembly, out of the maturity of his long experience, of the evils inherent in an antiquated system of suffrage. "Hungary," he said, "is not a nation which can live apart; it forms part of western civilization. All human progress proves that there cannot be too marked divergences between the social organization of the nations which form part of the same community. Thus if Hungary does not wish to be morally isolated, she must not be afraid of following the example of the great occidental nations. It is a grave error and an injustice not to authorize the secret vote. The results of the consultations of the people will always be in error, because many electors will not dare to vote according to their convictions, fearing reprisals on the part of the authorities or of employers' or labor organizations. Oral voting will only envenom political and social conflicts. On the other hand, a method of voting so undemocratic in character is not of a nature to cultivate, in the territories taken away from Hungary, the desire for a return to the mother country."[4]

Count Andrassy, in defending the secret franchise, pointed out that oral voting is permitted only in Soviet Russia and reactionary Hungary, and held that unless adequate protection were given the voter to permit free expression of opinion, all reform would be illusory.[5] According to

[3] *Budapesti Hirlap* (governmental), March 25, 1925.
[4] *Magyarság* (Christian Nationalist), May 15, 1925.
[5] *Ibid.*, May 21, 1925.

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the Socialist deputies, the government bill marked a definite regression of public liberties, as about two million people—mostly transient laborers—would be deprived of the right to vote.[6] In view of the wide franchise obtaining in neighboring countries, persons of Hungarian origin now outside the territorial confines of post-war Hungary enjoy more political rights than those in Hungary proper. According to Socialist opinion, the single aim behind the government's measure was to assure the dictatorship of one class over the rest of the citizenry and to paralyze the activity of the workers.[7]

Despite the cogent arguments of the Opposition, the bill as finally passed retained the provisions for oral franchise. Lauded by the governmental press as "the keystone in the revision of the ancient constitution" and as filling "an enormous lacuna in our constitutional life,"[8] it was regarded by the Opposition press as of such a character as to deprive the working classes almost entirely of the franchise, and as "the most reactionary electoral law in the world."[9] Certainly it can once more be stated, as was done by Professor Ogg before the World War, that "the Hungarian franchise remains the most illiberal and the most antiquated in Europe."

Once the reform of the franchise was carried, it was recognized that the reconstruction of the upper house would follow as a matter of course. It was expected that the Second National Assembly, upon the creation of the upper body, would, like the Weimar Assembly in Germany, transform itself into a lower house without seeking a new mandate from the electorate. This permitted the discussion of the nature and rôle of an upper chamber in the light of the reconstruction already effected in regard to the lower.

Naturally, the severance from Hungary proper of the ancestral patrimonies of many Magyar magnates involved a diminution of membership which the former hereditary nobles were hardly willing to accept; hence the members of the old body went to extreme lengths of constitutional hair-splitting in an endeavor to avoid final recognition of Hungary's new frontiers and thus, by implication, to resign themselves to an acceptance of the irretrievable loss of some of the lands of

[6] This was denied by M. Puky, the government's *rapporteur*, who alleged that sixty-three per cent of the bourgeoisie and fifty per cent of the working classes would be enfranchised, in addition to an indeterminate number of women not previously entitled to vote.

[7] *Nepszava* (Socialist), May 27, 1925.

[8] *Budapesti Hirlap*, July 5, 1925.

[9] *Nepszava*, July 5, 1925.

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"millenary" Hungary.[10] From the ultra-legitimist point of view, the permanent reconstruction of the upper chamber likewise encountered difficulties, for here, "according to the ancient constitution of Hungary, the right to legislate belongs in common to the sovereign and to parliament. Thus all reforms of a constitutional character ought to be considered as provisional measures which must be sanctioned by the [legitimate] king to become laws."[11] From the point of view of the Bethlen government, however, no obstacle existed to the reconstruction of the old chamber either because of the reduction of the territorial content of Hungary or because of the absence of a reigning sovereign. Hence, accepting existing Hungary as the starting point, the government bill faced political realities and made provision for a distinctly smaller upper house, truncated to approximately the same dimensions as the Chamber of Deputies. In the new constitutional equipoise it would appear that equality in numbers is a cardinal principle of neo-bicameralism.

According to the terms of the government bill,[12] the membership of the Chamber of Magnates will comprise (1) permanent members chosen from among the principal civil and ecclesiastical dignitaries of the country, (2) elected members, and (3) members named for life. The term of elected members will be ten years, half of the membership being renewed quinquennially. The elections will be by cities, counties, and families of the aristocracy, as well as by such legally constituted bodies as chambers of commerce, industry, and agriculture. With a total membership of 242, the number of members chosen from among the

[10] Thus a group of sixty members of the old upper house met in April, 1925, under the leadership of the old presiding officer, Count Wlassics, to examine Count Bethlen's project, and resolved that "Whereas our ancient constitution has always been in force, and whereas in consequence the fundamental principle of this constitution, to wit, that the legislative authority belongs in common to the king and parliament, has never been abolished, the second chamber of our parliament, the Chamber of Magnates, holds that it affirms not only its theoretical but its real existence, so that it may be convoked at any moment. In case the government should deem it necessary to constitute a second chamber, the law should specify that it does not involve the reform of the Chamber of Magnates *en vacation*—that legislative body being *the emanation of integral Hungary*—but the creation of a new upper chamber *rendered necessary by present circumstances* and complementing the Chamber of Deputies, but neither replacing nor continuing the Chamber of Magnates." *Budapesti Hirlap*, May 22, 1925 (italics mine). Such are the constitutional eccentricities of Magyar irredentism!

[11] Count Andrassy in *Magyarság*, May 22, 1925.

[12] *Bulletin Périodique de la Presse Hongroise*, No. 88, April 2, 1925.

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aristocracy is fixed at thirty-eight, that of delegates of the counties at fifty-nine. There are seventy-five delegates from the municipalities and thirty-six from all the other semi-official bodies. Life members are to be named by the chief of state on the proposal of the cabinet; but their number may not run above forty. According to the foregoing distribution, the initial quota of life members should be thirty-four.

The contrast with the old chamber is striking. In that body the test of membership from among the landed gentry was the payment of a high land tax, despite which sixty-one per cent of the chamber was made up of this class. Over fifteen per cent more were life peers appointed by the crown; another fifteen per cent were ecclesiastical officials; some four per cent were civil dignitaries; and five per cent were Habsburg archdukes. In the new chamber there is a distinct reduction of the ecclesiastical representatives of the Lutheran and Orthodox faiths, while the Croatian diet no longer sends a contingent. The proportion of life peers is almost the same as in the old body, but the rôle of the Habsburg archdukes is now practically inconsequential, only two of that historic family having opted for Hungarian nationality under the peace treaty and otherwise complied with the formalities entitling them to membership. Now the rôle of civil functionaries is outweighed by that to be played by the magnates chosen from economic and semi-official organizations.

The constitutional innovations are of no less importance. These consist, first, in the selection of representative peers from among the hereditary aristocrats of Hungary, in lieu of admitting the former right of all the gentry to sit in the Chamber of Magnates *ex officio*. That change alone has cut the hereditary peers to one fourth their former proportion, or one sixth their absolute number, although many more will undoubtedly avail themselves of their influence to sit as representatives of the county assemblies, which are themselves elected under as reactionary a franchise as the present National Assembly. The second important innovation is the heavy representation of the cities, which will have about thirty-one per cent of the members, or more than the life peers and the representative peers combined. If the urban representatives and those of the corporate organizations are able to muster to their side even half of the county magnates, it will mean that a working majority in the new upper chamber will come to rest in conservative bourgeois hands and no longer in those of the peerage.

These changes in the composition of the chamber reveal some outside influences, notably French and British. The representing of the counties

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and cities smacks of the famed "general assembly of the communes of France," though it falls far short of the democratic egalitarianism of the French Senate; on the other hand, the selection of representative peers marks the adoption of a salient feature of the Bryce Report. This indiscriminate selectivity has led to sharp criticisms in the nationalist press. We read, for example: "This reform corresponds neither to the exigencies of modern parliamentarism nor to those of the constitutional traditions, respect for which constitutes, in our opinion, one of the sources of national energy. The upper chamber, once reformed, will in effect be a bizarre composite of the British House of Lords, with its noble and ancient traditions, and of the French Senate, composed of parvenus: a compromise between the systems of legislators by birth and by vocation and that of elected legislators, without the sage conservatism of the British lords being tied to the perfect political arts of the Palais du Luxembourg. In effect, besides the members of the royal family constantly resident in Hungary and the delegated members of the aristocracy, the upper chamber will embrace representatives of almost all the classes and groups, intellectual, economic and moral; but the agricultural class, which is the most important nucleus of the Hungarian population, will no more be represented than will the workers, who constitute from a political point of view no negligible quantity."[13]

The arguments in defence of the reform are once again, as in the case of the electoral law, less a vindication of the intrinsic merits of the arrangements arrived at than a justification of the purpose of the measure: to counterbalance the lack of restraint of a popular chamber. From a moderate Liberal standpoint, the reform is conceived "in a democratic spirit without breaking in too violent a manner with ancient traditions in order to accomplish this end. . . .. The upper chamber will not hamper a sane evolution and will not bar, as an insurmountable barrier, the way of democracy, but will serve as a counterweight to the too precipitate reforms of the first chamber. By its existence, and probably by its decorum, it will serve to calm the excesses of the party struggle in the Chamber of Deputies."[14]

The effort of the government to provide in the law for an equality of powers for the two houses, particularly as regards legislative initiative,[15] has again drawn fire from Count Andrassy, whose point of view could hardly be regarded as radical. In his opinion, the according of too

[13] *Szozat* (anti-legitimist), March 13, 1925.
[14] *Pester Lloyd*, March 7, 1925.
[15] *Szozat*, March 7, 1925.

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greatly extended rights to the Chamber of Magnates will tend to paralyze the activity of the Chamber of Deputies. "It is," he says, "an oligarchic and reactionary reform which cannot even be excused as an opportunist measure. From the legislative point of view, it is absurd to partition powers between two assemblies in such fashion that each may counteract or neutralize the action of the other, without thereby being able to impose its own will. This reform will lead to legislative inertia.[16]

It would seem that apart from interested government circles, possessing the necessary political majority to pass the bill, the measure finds few friends. The plea for a conservative upper chamber to curb the impetuosity of the lower house loses its weight in view of the reactionary character of the electoral law for the latter. In the words of a French critic, "in order that the bicameral system may have its *raison d'être*, it is essential that there be a well established and independent popular representation. Above all, it is necessary that the Chamber of Deputies be elected according to a just and democratic franchise."[17] This, as has already been seen, is an impossibility; Hungary has sought to endow herself with two doubly conservative chambers.

What must be the consequence of such "reforms"? Obviously, despite the lip-service paid to an ultimate democratic ideal by their sponsors, the measures will operate anti-democratically and for an appreciable period hinder the development of really free institutions. Both transformations represent the endeavor of the ruling Magyar oligarchy to wipe out every vestige of the liberal traditions of 1848 and 1918. Certainly the liberal forces in Hungary have nothing to gain and nothing to expect from an upper chamber.

MALBONE W. GRAHAM, JR.
University of California, Southern Branch.

The New Japanese Electoral Law.[1] A new statute for the election of members of the House of Representatives was promulgated in Japan on May 5, 1925, and will be applicable in the next general election. It is Japan's fourth electoral law, the previous ones having been promulgated in 1889, 1900, and 1919, respectively. All three of the earlier laws based

[16] *Magyarság* (Christian Nationalist), March 17, 1925.

[17] *Bulletin Périodique de la Presse Hongroise*, No. 88, April 2, 1925.

[1] Published in the Japanese monthly *Kaizo* (Tokyo) for May, 1925, pp. 139–54. The writer of this note acknowledges the assistance of a Japanese student in translating the statute. Diet debates are obtainable in the *Japan Chronicle*. Sept., 1924-May, 1925.

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the suffrage upon a tax-paying qualification, the first requiring voters to pay fifteen yen in direct national taxes, the second reducing the required tax to a minimum of ten yen, the third decreasing it still further to three yen. The present law abolishes the tax-paying qualification and provides that all males twenty-five years of age and over, who are not otherwise disqualified, and who do not receive "public or private relief or help for a living, on account of poverty," shall be entitled to exercise the suffrage. In addition to paupers and vagabonds, there continue to be excluded from the franchise active members of the army and navy, certain classes of civilian officials, women, and the heads of noble houses. Priests, religious teachers, primary school teachers, government contractors, and certain classes of students hitherto unenfranchised now gain the suffrage and may become candidates for election. Under the law of 1889 the franchise was exercisable by 450,000 men, and under that of 1900 by 983,000; the act of 1919 increased the electorate to 2,860,000; while the present law raises it to an estimated total of 12,000,000.

The new law is divided into thirteen chapters, entitled respectively: (1) voting districts, (2) the franchise, (3) registration, (4) elections and voting places, (5) count of ballots, (6) election meeting, (7) candidates and voters, (8) term, (9) election law suits, (10) canvassing, (11) expenses, (12) penalties, and (13) supplementary regulations.

The electoral districts are altered from small areas, most of which elected but a single representative, to somewhat larger districts each electing from three to five members. The system thus provided is a compromise between the large districts of the 1900 law and the small ones found under both the law of 1889 and that of 1919. The ballot is secret, and each voter is entitled to vote for but one candidate. The candidates receiving the highest number of votes are elected; but for election one must receive at least one fourth of the quotient obtained by dividing the total number of voters in the district by the number of seats to be filled. The names of voters must appear upon registration lists, indicating that the persons have resided within the district for one year prior to the elections. Persons unable to write may not vote. Candidates must reside in the districts which they desire to represent. The age of eligibility for candidacy is maintained at thirty. Each candidate is required to deposit 2,000 yen ($1,000) as security money, which he forfeits to the state if he fails to obtain one tenth of the above-stated quotient.

The numerical membership of the house (464) and the term (4 years)

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were not altered. Korea and Formosa remain unrepresented. Elections must be held within one month of the dissolution of the lower house, the date being fixed in each case by imperial ordinance. Voting is conducted in town halls, schoolhouses, and such other places as may be determined upon by the proper officials. The location of voting places is to be notified publicly five days at least prior to the date of elections. The voting places are to be open from 7 A.M. until 6 P.M. By-elections may not be held unless at least two vacancies occur in the same district.

Election expenses are limited to forty sen (twenty cents) per voter. It is estimated that the candidate is thus allowed to spend approximately 12,000 yen, which seems a large amount, but is small compared to the sums spent in elections hitherto. A candidate may send one letter by mail gratis to each voter in his district. Quite detailed provisions are included under Chapter XI as to the classes and numbers of election agents that may be employed and the methods of determining election expenses. Further regulations may be made by imperial ordinance. The chapter on penalties also is an elaborate one, specifying a number of offences carrying penalties of two to five years imprisonment or fines of 1,000 to 2,000 yen. Among the offences specified are false registration, bribery, obtaining money under false pretenses, promise of favors or offices, false candidacy, kidnapping, disturbance of meetings, voting places, or ballot counting, tampering with ballots, intimidation, and others.

This law, which is spoken of as a manhood suffrage measure, was introduced on January 22, 1925, by the coalition ministry of Viscount Kato, composed of ministers representing the Kenseikai, the Seiyukai, and the Kakushin club. It was brought forward, not because the cabinet thought that the time was opportune for so great an expansion of the electorate, but because popular sentiment for it had become too strong to resist. Differences of opinion existed within the ranks of the government parties, but these were reconciled, as were those which at first divided the cabinet and the privy council, and subsequently those that appeared between the views of the two houses. No considerable discussion was devoted to the main feature of the bill, but the privy council and the peers were both insistent upon the exclusion of peers from the political rights conferred by it; while the Seiyukai was equally determined to break down the exclusive character of the nobility by bringing its members down to sharing the privileges of commoners. Another source of lengthy debate was the question of excluding from the franchise persons unable to support themselves on account of poverty. Members

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of the parties in the lower house agreed that poverty was no criterion of intelligence, but the peers and the privy council declined to go the full limit involved in the liberal principle upon which the bill was founded. Both of these issues ultimately were threshed out in conference committee, and the views of the conservative forces prevailed.

An interesting plea made in both houses by opponents of the bill was that of protecting the family system by confining the parliamentary franchise to heads of families, whether male or female. In the House of Representatives the Seiyuhonto, a strong party, sought to filibuster, but was prevented from doing so by personal attacks upon its members by members of the other parties, who did not scruple to hustle them off the rostrum, hurl their papers about, and use other methods of intimidation. The homes of certain peers known to be in opposition were visited by bullies who damaged property and uttered threats of personal violence. In spite of these unfortunate features of the struggle, the debate in both houses did not lack substance and was maintained on an especially high level in the House of Peers. In both the diet and the press, references were made to the intention "to consult widely and to transact state affairs in accordance with public opinion," as expressed in the Emperor Mutsuhito's oath of 1869.

The bill was passed by the House of Representatives on March 2, by the Peers, with amendments, on March 26, and by both houses, after conference, on March 29. While the suffrage bill was under discussion two other bills also were being passed through the required stages of legislation and have been promulgated. One is entitled the "peers reform" bill, by which the membership of the House of Peers is set at 390, half to be of the nobility, half commoners. Of the commoners, 125 are to be named by the emperor, sixty-six to be elected by the highest tax payers and four to be chosen by the Imperial Academy. The other act is the "peace preservation" law, alternatively called the "dangerous thoughts" act. It makes it a felony to discuss, or to be in any way concerned in, any project to change the form of government. The government's own interpretation restricts the concept "form of government" to the sovereignty of the emperor. But it is obvious that so general a phrase leaves a wide way open to other interpretations should occasion demand. It may be noted also that a so-called "Proletarian party," which sprang up while the suffrage law was under discussion, has been denied recognition by the government.

HAROLD S. QUIGLEY.

University of Minnesota.

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REPORTS OF ROUND TABLE CONFERENCES

HELD IN CONNECTION WITH ANNUAL MEETING OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION AT NEW YORK, DECEMBER 28–30, 1925

1. COMPARATIVE GOVERNMENT

At the suggestion of the chairman, Professor Walter J. Shepard, the round table gave its attention to recent developments in European governments and politics. Brief reports were made upon a number of countries, followed by discussion. Professor Kenneth Colegrove, of Northwestern University, began these reports with an account of the movement for the reform of the British House of Lords, showing that the Labour party is on record for the total abolition of the upper chamber whereas the reactionary wing of the Conservative party urgently demands reorganization and enlargement of powers. The urgency of the reactionaries is due to fear of socialistic legislation by some future Labour government. Under the Parliament Act of 1911, money bills may become law without the Lords' consent, while bills other than money bills may be delayed only two years. To satisfy the reactionaries, reform must include the strengthening of the membership of the House of Lords by introducing the elective principle and by modification of the relations of the two houses. The Bryce Report of 1917 proposed an ingenious plan for a financial joint committee to rule upon money bills or money clauses, and a conference committee to adjust differences between the two houses regarding non-financial bills. The proposals of the coalition government in 1922 were never adequately discussed. In 1925 it was reported that Lord Birkenhead intended to offer a solution which the Baldwin government would support; and last October the National Conservative Conference tried to force the subject upon the prime minister. But Mr. Baldwin is not enthusiastic. He knows that the man on the street is not interested in dropping the hereditary lords or in creating a strong chamber.

Professor Robert C. Brooks, of Swarthmore College, called attention to three outstanding events in the recent politics of Switzerland. In 1918, by initiative vote, the Swiss people adopted proportional representation for the election of the National Council. In 1920, Switzerland was the

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only nation taking a referendum on the question of joining the League of Nations, the cantons dividing 11½ for the affirmative and 10½ for the negative. And in 1922 an initiative proposal for the capital levy was overwhelmingly defeated. Referring to the general election of October 25, 1925, for the National Council, the speaker indicated that there had been a slight shift to the Left. In regard to recent observations upon political methods in France, Professor Brooks reserved his remarks for the Political Science Association luncheon on Monday, at which time he talked upon election campaign tactics, discussing in particular the use of *affiches électorales* and the conduct of public meetings.

Professor Elmer D. Graper, of the University of Pittsburgh, reviewed the German election of December, 1924, which failed to break the deadlock between the parties of the Right and the Left, but ultimately led to the inclusion of the Nationalists in the cabinet. This was just what Stresemann, leader of the People's party, had long advocated. To carry out his foreign policy, Stresemann had found it necessary to coöperate with the parties of the Left. But after the acceptance of the Dawes Plan, the leader of the party of the great industrialists turned toward the Nationalists rather than continue his dependence upon the Social Democrats. This new affiliation has been shaken by the recent resignation of the Nationalist ministers when their party disapproved the Locarno pacts. Reviewing the presidential election, Professor Graper sketched the inter-party negotiations leading to the selection of General von Hindenburg in place of Dr. Jarres as candidate of the Right, as well as the reasons why the parties of the Left entered the first contest with separate candidates. Events subsequent to the election have shown the error in the slogan of the followers of Dr. Marx that the issue was "republic versus monarchy."

Professor Malbone W. Graham, Jr., of the University of California, Southern Branch, reviewed the political and constitutional developments in the succession states of the Dual Monarchy during 1925. In Austria, the constitutional repercussions of the financial program of the League of Nations necessitated amendments to the constitution of 1920 giving the central government final control over provincial expenditure. At the same time, the movement for union with Germany has had influence upon the political situation in Austria. In Hungary, two constitutional problems have claimed attention, namely, the electoral law of 1925 and Count Bethlen's proposal for reconstruction of the House of Magnates. The Hungarian premier proposed that the upper chamber should retain co-equal powers with the lower house, while the membership should

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include representative peers, members from the county assemblies, delegates from the municipalities, and a small number of life members appointed by the government. This scheme has been described as a hybrid between the French Senate and the British House of Lords, without having the commendable features of either of them. In Czechoslovakia, the election of November, 1925, indicated a tendency of parties to split up into a multitude of small fragments. Even the Germans were hopelessly divided. In Jugoslavia, the election of February resulted in almost a draw between the parties supporting centralization and those standing for autonomous Slovenia, Croatia, Bosnia, and Herzegovina. Fortunately, Premier Pasic came to terms with Radic, the agrarian leader of Croatia, with the result that Pasic remains in office. In the Balkans, the struggle of the agrarian parties against the program of the Tsaranist party in Rumania and its counterpart in Bulgaria offered some interesting constitutional developments.

Professor Edith C. Bramhall, of Colorado College, reported on the organization and purpose of the National Economic Council of France, which was set up by M. Herriot a few days before the fall of his cabinet in 1925 and which he is said to consider the most important constitutional contribution of his ministry. The question of economic councils, or industrial parliaments as they are sometimes called, is bound up with the larger question of functional representation. They are also viewed as an attempt to get experts to contribute constructive criticism on current problems of government and thus save democracy from failure.

Professor Walter J. Shepard, of the Robert Brookings Graduate School, presented the substance of a paper by Professor Corrado Gini, of the University of Padua, on the "Scientific Basis of Fascism." Professor Gini was a member of the commission appointed by the Italian government to prepare a plan for the reorganization of the representative system, and he is the reputed author of the scheme for functional representation in the Senate which was officially adopted. His defense of fascism was as follows: The postulate of rule by the majority may well serve as the democratic maxim in normal times. But in emergencies, when a great ideal must be effected, it is sometimes impossible to obtain a majority. Then the assumption of universal suffrage must give way to a concentration of political authority; for the state, after all, rests on force. Fascism came to the front in Italy under exceptional circumstances and under an exceptional man.

On the third day, before adjourning, the round table adopted a resolution requesting the program committee of the Political Science

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Association to continue the round table on comparative government next year and suggesting that reports on dictatorships and functional representation be made. Forty-five members attended the various sessions.

KENNETH COLGROVE, *Secretary.*

Northwestern University.

2. POLITICAL PARTIES

The round table on political parties, led by Professor P. Orman Ray, of Northwestern University, held three interesting and profitable sessions, during which as many topics of importance to students of politics were discussed.

The first meeting was devoted to a consideration of party finance. The writer of this report presented certain phases of the subject, emphasizing especially the federal laws relating to campaign funds. The history of federal legislation on the subject was mentioned, and the present federal law, known as the federal corrupt practices act of 1925, was examined in some detail. The inadequacies of this law were pointed out, and several suggestions for its improvement were discussed from the legal as well as from the practical point of view. The discussion which followed covered a wide field. Questions were raised as to the effectiveness of state laws relating to campaign funds, and as to the sources of campaign funds—whether limiting provisions in state laws really limit; whether corporations still contribute; and many others.

The second meeting was the occasion for a discussion of the direct primary and the presidential primary. The discussion was led by Professor O. C. Hormell, of Bowdoin College, Miss Louise Overacker, of Wellesley College, and Professor R. S. Boots, of the University of Nebraska. Professor Hormell presented some recently collected material showing the expense of the direct primary in Maine, both to the state and to the candidates. His figures were very illuminating, especially those demonstrating the modest sums expended by the various candidates in running for nominations. Miss Overacker gave the round table the benefit of her recent studies of the presidential primary, pointing out existing defects and discussing proposed remedies. Dr. Boots emphasized the importance of securing data which would indicate whether or not the direct primary had actually given to the rank and file of the voters the control of nominations, or whether this control still rests with the same people who controlled nominations under the convention

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system. To him, this matter seemed of the greatest importance, and such matters as the expense of the primary only of minor importance.

At the third meeting the problem of party responsibility was considered. Professor W. S. Carpenter, of Princeton University, introduced one phase of the subject dealing with responsible leadership within the party. He raised questions about how party discipline can be preserved and how the party can keep itself from being overrun and controlled by elements really foreign to the bulk of the party membership. The question of party affiliation tests came in for a good deal of comment. The second part of the discussion was led by Professor R. J. Swenson, of New York University, who directed his remarks to the problem of the responsibility of the party to the electorate. He pointed out why the party cannot be held wholly responsible for the conduct of affairs under our governmental system, and, with a view to meeting the defects of our present constitutional system which militate against the development of a genuine party responsibility, he proposed a plan which evoked warm discussion.

J. K. POLLOCK, JR., *Secretary.*

University of Michigan.

3. MUNICIPAL ADMINISTRATION

The discussion of the round table in municipal administration revolved about three matters—first, the progress report based upon the recommendations of the round table in municipal administration of the summer conference; second, a consideration of the interrelation of local educational administration and the administration of other municipal services; and, third, a criticism of statistical methods which have been applied by students of public administration, especially in the fields of local finance and educational finance.

Progress Report. The progress report based upon the recommendations of the round table in municipal administration of the summer conference was a detailed description of a survey of the organization and financial administration of the borough government of Glen Ridge, New Jersey. The effort was made in this survey to apply the more important recommendations of the summer conference round table, particularly with reference to the statement of principles and criteria of judgment which were applied by the research staff in this particular study. This section of the report is as follows:

"*Principles of Good Organization.* The experience of American communities with their local government has been subject to careful exam-

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ination during the past twenty years. Though there is still much to be done, it is generally conceded that the investigations which have been carried on by our state commissions, leagues of cities, civic groups, specialists in administration, and bureaus of municipal research are, in their purpose and results, practical, businesslike, and scientific. It is a striking fact that these investigations of government have brought about a pronounced change in American thinking on the subject of governmental organization.

"As a result of the early struggle of this country, the following ideas were developed and handed down through successive generations: (1) we should have many elective officials; (2) frequent elections are essential; (3) the only safeguard of representative government is a system of checks and balances; (4) many heads are better than one; (5) overlapping terms of office, which prevent a political housecleaning at a single election, are a guarantee of good government; (6) a new and independent agency should be created whenever the government undertakes a new task; and (7) almost anyone is competent to hold almost any governmental position.

"Other ideas may be mentioned, but these are certainly among the more important principles of government, if they may be called such, which have been in the minds of citizens, legislators, and charter committees up to a recent period in our history.

"The effect of experience, however, especially since the Civil War, and the practical investigation of the business of city governments, have led us to question the application which has been made of some of these principles, and to amend these ideas in a measure. We have come to see that we do not automatically produce good government, nor democratic government, through the election of many officials or the creation of independent agencies. We have found that frequent elections are not the method whereby we achieve automatically either effective government or democratic government. Even in the state of Massachusetts, where Adams said 'Where annual elections end, tyranny begins,' annual elections of city and state officials have been abandoned. We have become convinced that there are too many checks and balances; that overlapping terms thwart democracy; that we have more brakes than driving power. We have come to see that in *administrative work* it is the one man, the one responsible man with energy, that we want, rather than a group of men. We have discovered that perhaps, after all, we must have experienced men to handle the more important executive

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and technical work of government, and that not every man is competent to fill everyoffice.

"And so the twentieth century revision of these ideas, these principles of government, may be stated in some such form as the following: (1) Related work must be administered as a unit. You cannot split up work that belongs together and get good government. (2) Each unit of administrative work must be placed under a single responsible official, selected because of his proved ability, experience, and technical knowledge, and equipped with adequate power and staff. (3) Popular election does not, except by accident, result in the selection of such men. (4) In order to guarantee that the various departments will operate together smoothly, and to prevent unbalanced expansion of some departments in comparison with others, all of the administrative work should be headed up under a single chief executive with power to control his subordinates. It is the duty of the chief executive also to see that the work of government is carried on in accordance with the desires of the people. He should, therefore, be selected directly by the voters or by their representatives and held strictly accountable. (5) Boards, commissions, or committees should not be used for administrative work. They are generally ineffective unless one member takes the responsibility for the work. Boards divide authority and diffuse responsibility. *Ex officio* boards have even less to commend them. But where there are quasi-judicial or quasi-legislative functions within a department, a board may well be attached to the department to perform these functions or to serve in an advisory capacity. (6) The governmental organization should be made as simple as possible, and the ballot short, not only for the sake of efficient administration, but in order that the citizens may understand and therefore really control their government.

"It is a striking fact that these principles of organization represent the conclusions of many qualified individuals in different parts of the world who have come at these same problems from different points of view. They are further fortified by the fact that they are in thorough harmony with the principles of private business."

There was, in the round table, not a little difference of opinion with regard to certain of the "principles" in the above statement, particularly in regard to the place of boards in municipal administration. Professor S. Gale Lowrie, of the University of Cincinnati, and Dr. Lent D. Upson, of the Detroit Bureau of Governmental Research, took the position that independent boards are necessary under certain conditions as a means of securing continuity of administration. It was their belief also that

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practical experience does not demonstrate the failure of the board system to produce a fairly balanced community program. Professor Woodhouse and Dr. Carl E. McCombs took direct issue with this point of view, not alone on the basis of theory but on the basis of practical experience. The discussion of the Cincinnati situation was particularly illuminating because three members of Dr. Upson's survey staff were members of the round table, and because they were not in complete agreement as to the results of board administration in Cincinnati.

Relation of City Governments and Schools. The relation of municipal administration and municipal public school administration was the second major topic discussed. During this part of the conference Professor James McGauhy, of Teachers College, Columbia University, sat as a member of the round table. A large part of the discussion dealt with practical situations in cities which were well known to individual members of the group. During the preliminary stages of the argument, the issue was sharply drawn between those who believed in complete independence of local school systems and those who believed in placing the school administration directly under the city government, some members even going so far as to urge the creation of a department of education with a single commissioner. During this part of the deliberations the director presented a summary of the developments of English municipal services. In this report attention was directed to the fact brought out by the Webbs that modern municipal services were developed through independent special bodies, and that their amalgamation to form a unified municipal government did not take place in most instances until the first third of the nineteenth century. On the basis of this historical summary, the question was raised as to whether independent units of administration are not inevitable during the early and transition stages of any governmental service. Various members of the round table brought forward further evidence drawn from present-day situations in American municipalities pointing toward the same conclusion.

Criticism of Statistical Methods. A very important phase of the discussion centered about a special report by Dr. Arne Fisher, of the statistical division of the Western Union Telegraph Company. Dr. Fisher called attention to the limitations of statistical devices, such as ratios, averages, correlations, and computations of probable error. The round table is much indebted to his keen, scholarly, and humorous handling of the topic assigned him. The youthful enthusiasm of social

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science statisticians received a much needed jolt at the hands of this distinguished mathematician.

LUTHER GULICK, *Chairman.*

National Institute of Public Administration.

4. PUBLIC OPINION

Although first to bear the title the round table on public opinion was a natural heir to the discussions of the four previous round tables on politics and psychology and the two previous round tables on political statistics. The chairman opened the sessions with a general review of the work of these previous conferences and suggested a logical division of topics for the three days' discussion. Although not strictly maintained in chronological sequence, this division may be used here for convenience in summarizing the work of the round table.

Agencies and Methods of Propaganda. Professor Harry A. Barth, of the University of Oklahoma, presented an analysis of several examples of successful political persuasion and from them derived ten rules for propaganda: (1) the use of stock words and phrases; (2) the use of stock arguments, as, for example, "this is beautiful in theory but unworkable in practice"; (3) the use of false analogies; (4) the appeal to fundamental instincts, for example, the protective tariff as related to the full dinner pail; (5) appeal to taboos; (6) falsifying of facts; (7) careful selection of the facts; (8) creation of certain complexes; (9) use of the best *post hoc ergo propter hoc*; and (10) use of personification. Stress was laid on the non-rational character of all political education and the small amount of time and interest for political matters exhibited by the contemporary voter in comparison with the attractive competing uses for his leisure time. The question was raised whether this particular type of analysis might better be carried on by the psychologist, leaving the analysis of institutions to the political student.

Mr. P. Odegard, of Columbia University, described in detail the various types of propaganda and campaigning carried on by the competing organizations in the long fight for prohibition, noting especially the non-rational character of appeals both *pro* and *con*, especially the prevalence of the appeal to fear and the use of Machiavellian methods on both sides.

The chairman proposed that study should be undertaken to determine the success of the more rational appeals in campaigns, such as the device used by non-partisan organizations of publishing the records of all

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candidates. Informal observations were given, showing that such methods had not been very effective.

It was suggested that the study of propaganda might fruitfully be directed to an examination of the major groups or organizations in modern society which engage actively in propaganda work. Note was made of the complexity of such analysis, especially if it should attempt to include the structure and functioning of the many ephemeral organizations in this field. The suggestion made at a previous round table by Professor Elliott, of Harvard, that an analysis of the solidarity of opinion, extent of membership, and power of the various political interest groups such as trade unions, religious groups, etc., might be an informing method of studying the formation and expression of public opinion on specific political issues, was renewed.

It was pointed out that the analysis of public opinion by describing the methods and agencies of propaganda is in danger of assuming that the voter is entirely malleable and that propaganda adequately explains decisions at the polls. In this connection, Professor O. Garfield Jones, of Toledo University, indicated that in a recent municipal bond election apparently powerful and strongly financed propaganda for the bonds evidently over-reached itself and met defeat at the election. The question was raised on several occasions during the three days' discussion, but not answered, as to how the real effectiveness of propaganda methods, both in the legislative lobby and during campaigns, could be measured or otherwise determined. There was, however, more or less general agreement that the borders of descriptive government might well be enlarged to include an analysis of the major propaganda groups and their methods.

Analysis of Election Results. The chairman suggested the possibility of building up for states and localities an equivalent of the endemic index used by health officers as a means of indicating unusual current disease prevalence. Records of election results for a particular geographic area for a considerable period of years could be consolidated into indices of normal tendency regarding voting percentages, party majorities, and with regard to classified subjects of direct legislation. With this as a basis, current election returns could be more accurately analyzed, the shifts of opinion localized and related to environmental and social data. By the use of such a voting index it might also be possible to gauge roughly the effectiveness of certain methods of campaigning where such methods were applied in certain localities and not in others.

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The general possibilities of analyzing the results of voting upon measures were discussed. It was pointed out that at the present time there is both incompleteness and duplication in the collection of initiative and referendum returns. A first step in the study of direct legislation is, therefore, the securing of more complete and accurate data on a nation-wide basis for the use of students in the field of public opinion.

Professor O. Garfield Jones gave an informal account of an investigation carried on under his direction by students in connection with the recent Toledo bond election. Precincts were used as the basis for analysis, and personal visitation was a part of the method of investigation. Incomplete results reveal some interesting features. The experiment indicates the importance of analyzing votes on measures in detail, and especially of using precincts or voting districts rather than larger areas.

Analysis of Leaders and Official Representatives. Professor J. M. Gaus, of the University of Minnesota, proposed a biographical analysis of the official leaders of the political interest groups, in order to determine the sources of opinion not only of the leaders but of the groups which they lead. Objection was raised that, due to difference of mental status and experience, leaders might not be representative of the opinions of their followers.

Professor Ben A. Arneson, of Ohio Wesleyan University, gave the results of an analysis of the issues in the state party platforms of 1924. While it was not claimed that these platforms represented an active expression of organized opinion among party members, they were to be regarded as representing the shrewd guesses of experienced party leaders as to what was pleasing in the eyes of the public.

Such studies as that of party platforms or legislative leaders, or that by Rice of legislative roll calls, all assume rather than prove that representatives actually represent their constituencies. The query was made as to whether some examination of an objective nature might be made of this assumption. It was suggested by the chairman that an analysis of the vote of legislators upon an indirect initiative measure or legislative referendum might be compared with the popular vote by constituencies when the same issue was later referred to popular vote. Evidently no such studies have been made.

Analysis of the Opinions of Individuals and their Sources. The third session was devoted mainly to a review of the Allport-Hartman Syracuse study of atypical opinion on selected political issues. Professor Hartman reported that further tests seemed to fortify the tentative conclusion that the minority at the extreme right and extreme left on a number

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of issues tend to be more alike in traits of personality than either group in comparison with the moderate majority on the same issues.

Professor A. B. Hall described the test of non-rational opinions now being developed at the University of Wisconsin. The test is to be used primarily as a means of determining the actual efforts of school training and of various environmental influences in producing rational habits of political thought. There was considerable discussion of the methods of framing political intelligence and political information tests, as well as their possible usefulness.

The round table had a total enrollment of forty members and an average attendance of over thirty. The group was fortunate in having among the active participants in its discussions several psychologist-statisticians, sociologist-statisticians, and professional political workers, as well as a nucleus of students of government who had attended some of the previous round tables on the same subject.

ROBERT D. LEIGH, *Chairman.*

Williams College.

5. PUBLIC FINANCE

The round table on public finance, devoting its attention at this meeting to the subject of state supervision of local finance, held sessions on Tuesday and Wednesday, December 29 and 30. Professor John A. Fairlie, of the University of Illinois, presided. Twenty persons enrolled as participants and auditors. The method adopted was to set before the group particular forms of control in actual operation in various states. It was hoped that facts and criticisms thus brought out might furnish a basis for some comparative evaluation of the systems and lead, perhaps, at a future meeting to constructive proposals.

Central financial supervision of local areas in Massachusetts was discussed by Professor Lane W. Lancaster, of Wesleyan University. Administrative control of local finance in Massachusetts includes debt supervision, advice to the legislative committee on municipal finance, installing accounting systems, and auditing accounts. Local debts for certain purposes are to be incurred only within a statutory limit, but debts for other specified purposes, and all debts created under special legislation, are not affected by the debt limit. Supervision of indebtedness is exercised through the director of accounts in the department of corporations and taxation. Evidences of indebtedness are in two forms—bonds and serial notes. Bonds are outside the purview of the director of accounts, but serial notes must be certified by him before acquiring

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validity. At the present time, serial notes comprise less than fifteen per cent of all local obligations. Before certifying notes, the director must see that the loan is legally authorized and that it complies with all formalities prescribed by law.

Indirect control is exercised over loans made under special legislation, through the practice of the legislative committee on municipal finance of recommending such legislation only upon the recommendation of the director of accounts.

Besides the functions of certifying notes and advising the legislative committee, the director is authorized, on request of the municipality, to install a uniform system of accounting. This has now been done in a large proportion of the cities and towns. Auditing of local accounts was until recently optional with the municipality, but is now compulsory. In addition to these measures of control, the division of accounts compiles valuable financial statistics of municipalities.

Professor Frank G. Bates, of Indiana University, presented a description of the system of state control of local finance in that state through the agency of the state tax commission and the department of inspection and supervision of public offices. This was an elaboration of a report made by him to the Conference on the Science of Politics at its New York meeting and is printed elsewhere in this number of the REVIEW.[1]

On the second morning Mr. Wylie Kirkpatrick, of the Robert Brookings School, discussed state supervision of assessment and taxation in New York and New Jersey. In New York, under the law as revised in 1915, the power of revising valuations is vested in a state board which may equalize the assessments within the county but may not exceed the total of the county assessment. In New Jersey the county tax board appointed by the governor exercises similar, but more extensive, powers of control. Questions of fact are decided finally by the board, only questions of law going before the courts. Experience in New Jersey leads to the conclusion that if the sales method of evaluating property for taxation is to be employed, its use should be restricted to purposes of original assessment and not of state revision. A trend of opinion was indicated among taxing officials toward giving greater consideration to earning power as a basis of evaluation. Mr. Kirkpatrick suggested a wider extension of the system of classification of property, to the extent of recognizing different classes of realty.

[1] See pp. 352–360.

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Professor C. A. Hallenbeck, of the Municipal University of Akron, presented a brief description of the system of control of municipal accounting exercised through the bureau of inspection and supervision of public offices of Ohio. It is the duty of that bureau to inspect the accounts of all municipal and school corporations, and to prescribe forms of accounts and reports. The duty of the inspectors is to investigate the financial transactions of all political subdivisions of the state and of institutions receiving or disbursing state funds.

The paramount object is to instruct officials as to the laws governing their duties and as to good business methods. Examinations of accounts are made periodically, and at other times upon request of taxpayers. Uniform systems of accounting are prescribed. Special counsel is provided in the office of the attorney-general for the prosecution of delinquent officials and the recovery of misappropriated funds. An engineer is attached to the bureau whose duty it is to inspect work in progress under public contracts whenever irregularities are suspected. The costs of inspection are borne by the municipality or institution inspected. Mr. Hallenbeck reported that, while these measures have had preventive value and large recoveries of funds have been made, there are still many cases of irregularity.

Professor Ivan L. Pollock, of the State University of Iowa, reported upon the measures of control over local finance embodied in the recently enacted budget law of that state. This act exerts control over local finance at four points. First, local governmental areas are required to prepare and adopt a budget after public hearing, with opportunity for protests before the tax levy for the year is made. Second, the supervision exercised by the director of the budget through the state accountant is somewhat broad and extends to local officials in so far as they expend or receive state funds. It is the duty of the accountant to audit the accounts of such officers; to report on the general condition of the office; to report whether funds have been expended lawfully, whether there are unnecessary duplications of effort, and whether efficiency and economy of operation are secured. Third, public notice must be given of every contract for improvements involving more than $5,000, and an opportunity given for a hearing on objections. An appeal may be taken from the local authority to the director of the budget. If he finds that the contract should not be awarded he may require that the contract be modified to protect the interests of the tax-payers. After a contract has been performed any five citizens may request an investigation. If the director of the budget finds that the terms of the contract have not

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been carried out, the contracting authority must institute legal proceedings on the contractor's bond. Fourth, if a municipality proposes to issue bonds when a referendum is not required by law, appeal may be had by citizens to the director of the budget. After a hearing, the officer renders a decision upon the propriety of the issue.

The discussions at the round table brought out a general agreement that state activity may justifiably extend to the collection and publication of financial statistics and to insistence upon an honest administration according to forms and methods prescribed by law. Doubt was expressed, however, by several of those participating in the discussion whether the state is justified in attempting to exert its authority in an attempt to secure "good government" through control of local policy.

FRANK G. BATES, *Secretary.*

Indiana University.

6. ORIENTATION COURSES

In view of the interest in orientation courses which was stimulated by three papers presented at one of the general sessions of the Association, a round table was organized for the purpose of giving the members who were interested in this problem an opportunity to exchange views. The discussion naturally hinged on the three types of courses which had been presented in the general meeting.

The first type is of the most inclusive sort, comprehending the whole field of human knowledge and experience. As some of the members of the round table were of the opinion that a general orientation course of this sort is not closely related to the work of political scientists, it was thought well to postpone discussion of it; indeed, a limited number questioned whether any time whatever ought to be devoted to it.

The second type deals generally with the social sciences. On the one hand, the dominant purpose of this type may be said to be to acquaint students in an introductory way with the content and principles of the sociological, economic, and political sciences. On the other hand, the objective may be to develop insight into social phenomena looking toward the development of a more effective citizenship. It was brought out incidentally during the discussion of the second group of courses that as yet "effective citizenship" is undefined, and that this constitutes a major problem for those interested in a course having citizenship as a major goal.

The third type grows out of a more formal treatment of government. In this, three possible subdivisions were mentioned. The first deals with

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political theory and uses governmental machinery as illustrative material. The second treats of comparative governments, the government of the United States being discussed in connection with the governments of the major nations of the world. The third concentrates on the government of the United States. In giving this sort of course, instructors in political science seem to have divided themselves into two groups: the older group of men, of whom many have been trained in law schools, approach government more from the legalistic and descriptive angle. The essence of the advice of one of these men was, for instance, "study the constitution of the United States." The younger men, who have been trained in history, economics, sociology, and psychology, are giving up this approach and aiming to look at government as a vital and ever-changing institution. Their tendency is toward the social science orientation course, but they still maintain the necessity of using government as a starting point. As to method, they seek to analyze and explain rather than to describe.

Two prepared reports were presented to the members of the round table. One consisted of a summary of returns from questionnaires on freshman orientation courses that had been forwarded to somewhat over 125 colleges and universities by Professor Charles McKinley, of Syracuse University. About ninety colleges replied, of which fifty-nine reported no such courses. The colleges giving data are a rather representative group, both as to geographical location and as to size and character. The largest number, thirteen, report that the purpose of their course is to arouse interest in citizenship; seven wish to introduce students to contemporary civilization; three to pave the way for the study of advanced courses in the social science field; and three to introduce students to the liberal arts curriculum, or to the whole field of human knowledge and experience. The various objectives are classified in a separate section of the report in greater detail. Mr. McKinley also summarized the methods of instruction used in the various colleges and the objective tests that have been devised to measure results. He concluded with a summary of the value of the course as it appears to the instructors.

The second paper was presented by Professor O. Garfield Jones, of Toledo University. He dealt with the laboratory methods that have been adopted in his institution for acquainting the students with what he calls "effective municipal citizenship." Professor Jones' paper outlined the way in which he uses the various precincts of the city for observation purposes and by which he stimulates the students to follow

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the campaign and election through all of the various stages. A second feature of the scheme for laboratory experience is in connection with a survey and report on the administration of the hundred or more units in the city government. The third method has to do with a charter convention in which the students participate by proposing and working for amendments to the city charter. This gives them an opportunity to develop the leadership necessary in a deliberative assembly. Professor Jones justified his work on two counts: (1) that only through first-hand contacts of this sort can the students rectify their mental pictures about government in operation, and (2) that citizenship is *doing*, and in the training process one should get an understanding of how things are actually done.

Out of these reports, as well as out of suggestions of members of the round-table, a rather far-flung discussion developed that, taken all together, indicated how complex a problem was being opened up. It was felt that a clear picture of the whole problem could not be given without careful and systematic investigation; further, that a great deal of experimentation is being done along lines of content, methods, and testing which would be useful to others if the facts were brought together.

At the close of the sessions the members voted unanimously to continue the meetings next year. They recommended further that a definite program should be framed which would provide for reports on courses where actual pioneer work has been successful. It was also urged that these reports should be mimeographed and circulated so that questions might be raised and full discussion provoked.

W. E. MOSHER, *Chairman.*

Syracuse University.

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NEWS AND NOTES

Personal and Miscellaneous

By vote of the Executive Council, the next annual meeting of the American Political Science Association will be held at St. Louis during the last week of December. The American Economic Association and the American Sociological Society will be in session at the same time and place. The program committee of the Political Science Association consists of Professors Francis W. Coker, chairman, William Anderson, R. E. Cushman, A. B. Hall, and A. N. Holcombe.

Professor Edward S. Corwin, of Princeton University, will be visiting professor at Stanford University during the summer quarter and will offer courses in the principles of politics and the history of American political and constitutional theory.

Mr. Victor Hunt Harding, of Stanford University, has been appointed instructor in political science at the University of California, Southern Branch.

Mr. Robert Littler, of Stanford University, has been acting as instructor at the University of Hawaii during the present year, giving courses in international relations, English constitutional history, and practical politics.

Professor John M. Mathews, of the University of Illinois, will give courses in American state government and constitutional law in the summer session of Ohio State University.

Dr. William Y. Elliott, formerly of the University of California, has been appointed assistant professor of government in Harvard University.

Professor Quincy Wright returned to the University of Chicago in January, after five months of travel and study in the Near East.

Mr. Jerome G. Kerwin, of the University of Chicago, has completed a survey of civic agencies as a part of the program of the University of Chicago local community research committee in coöperation with the Union League Club.

Dr. James Hart, of the University of Michigan, has been appointed associate in political science at Johns Hopkins University.

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Professor Waldo Schumacher, of Grinnell College, has been appointed assistant professor of political science at the University of Oklahoma. Mr. Cortez Ewing, assistant at the University of Wisconsin, and Mr. John G. Hervey, assistant at the University of Pennsylvania, will teach at Oklahoma in the summer session.

Dr. William S. Carpenter has been promoted from assistant professor of politics to associate professor at Princeton University; and Dr. H. W. Dodds, at present half-time lecturer in politics, has been made associate professor.

The organization of an institute of inter-American relations at the University of Porto Rico was announced in March by a newly appointed commission for the United States, representing the institute. The purpose of the institute was explained to be "to effect better relations among North, South, and Central America;" and the organization was planned on the models of the Institute of Politics at Williamstown and the Pan Pacific Institute at Honolulu. It is intended to hold annual sessions, the first being scheduled for September 15 to 22, at the University of Porto Rico, at Rio Piedras. Members of the commission for the United States include President Nicholas M. Butler and Professor Samuel M. Lindsay, of Columbia University, Dr. Albert Shaw, of New York City, and Mr. Felix Cordova Davila, resident commissioner of Porto Rico in this country.

Among the grants in aid of research made in March by the American Council of Learned Societies were those to Professor V. J. West, of Stanford University, for study of the use of money in elections, Professor Stuart A. Rice, of Dartmouth College, for study of the technique of measuring public opinion, and Professor Waldo Schumacher, of Grinnell College, for study of the direct primary in its relation to tenure of office.

Dr. Miller McClintock, of the University of California, Southern Branch, has been appointed director of a recently established bureau of street traffic research in Los Angeles. The bureau is located at the University, and Dr. McClintock has been granted leave of absence to devote his time to its activities. A special fund has been given to carry on the work for several years. In connection with the activities of the bureau, Dr. McClintock is engaged in directing a metropolitan traffic survey for the city of Chicago, under the auspices of the Chicago Association of Commerce.

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Mr. Caleder Crosser, who has been editor of the Toledo City Journal and secretary of the Toledo commission of publicity and efficiency, has gone to the research bureau of Des Moines, Iowa. Mr. Virgil Sheppard, formerly instructor in municipal science at Toledo University, has succeeded Mr. Crosser in the editorship of the Toledo City Journal, and Mr. J. Otis Garber, recently assistant at the University of Michigan, has been made instructor in municipal science at Toledo University. He will have charge of the municipal administration and municipal research work of the department, and will assist Dr. O. C. Jones with the beginning course in effective municipal citizenship.

A Kentucky academy of social sciences was organized in January, composed of teachers and investigators in the fields of history, political science, economics, and sociology. This is the first association of the kind to be attempted in the state.

The American Council of Learned Societies has created a committee to coöperate with committees of the National Research Council and the American Library Association in developing plans for the preparation of a comprehensive bibliography of serial publications of foreign governments. The committee consists of Professor Frederic A. Ogg, University of Wisconsin, chairman, Miss Adelaide Hasse and Dr. C. E. McGuire, Institute of Economics, Washington, and Dr. Denys P. Myers, World Peace Foundation, Boston.

Yale University has completed arrangements for courses preparatory to the United States foreign service. The schedule for 1926–27 includes courses in international law, international relations, foreign trade, commercial policy, economic geography, comparative politics, political institutions, diplomatic history, and technical studies in accounting, administration, and admiralty law. Graduate students may allocate their work so as to fulfill the requirements for the M.A. degree in political science or in economics. The faculty includes Professors Edgar S. Furniss and Norman Sydney Buck and Dr. Nicholas J. Spykman.

The thirtieth annual meeting of the American Academy of Political and Social Science was held at the Bellevue-Stratford Hotel, Philadelphia, on May 14–15. The general topic for consideration was the United States in relation to the European situation, and among the special subjects discussed were: the present situation in Germany and France; the effect of the debt situation upon Europe's relations with the United States; the World Court, the Locarno pacts, and European

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security; the foreign investment policy of the United States; the United States and Russia; and disarmament and the present outlook for peace.

The twentieth annual meeting of the American Society of International Law was held at Washington on April 22–24. The subject chiefly under consideration was the codification of international law. The progress of codification under the auspices of the Pan-American Union was discussed by Dr. Antonio S. de Bustamante, and progress under the auspices of the League of Nations by Hon. George W. Wickersham. A round table conference on the function and scope of codification was led by Professor Jesse S. Reeves, of the University of Michigan, and another on codification in respect to nationality by Professor Ellery C. Stowell, of the American University.

The fourth session of the Academy of International Law at The Hague, founded with the support of the Carnegie Endowment for International Peace, will extend from July 6 to August 27, with division into two periods of approximately four weeks each. During each of the periods fundamental courses will be given on the historical development and general principles of international law, both public and private, while a certain number of special lectures will be devoted to carefully defined subjects, selected according to special competence of instructors and, as far as possible, from the juridical problems that are of international interest at the present time.

The Geneva School of International Studies, Dr. Alfred Zimmern, director, opens on July 12 and continues through September 4. The regular courses are in fortnightly units, although, to accommodate persons who cannot stay two weeks, special weekly courses are offered. The subjects include international politics in its broadest sense—law, economics and political problems—together with studies of various international cultures. The lecturers are distinguished statesmen, educators, and experts in international fields. Group discussions are an important feature of the program. In September, the school's activities are arranged to fit in with the sessions of the Assembly of the League of Nations. The courses were attended last summer by more than 500 students, representing forty-four different countries.

The Carnegie Endowment for International Peace will send a party of about fifty teachers of international law and relations to Europe during the coming summer. The sailing date is July 28 and the return date September 20. Brief visits will be paid to Paris and The Hague.

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and about a month will be spent at Geneva. Among members of the party will be Professors M. W. Graham, Jr., University of California, Southern Branch, C. A. Berdahl, of the University of Illinois, C. E. Hill, of George Washington University, P. B. Potter, of the University of Wisconsin, Quincy Wright, of the University of Chicago, Kenneth Colegrove, of Northwestern University, Graham H. Stuart of Stanford University, C. E. Martin, of the University of Washington, F. A. Middlebush, of the University of Missouri, C. P. Patterson, of the University of Texas, Henry R. Spencer, of Ohio State University, and Geddes Rutherford, of Iowa State College.

Some announcements of interest have been made in connection with the plan of organization of the Walter Hines Page School of International Relations, to be operated as a separate and independent unit in Johns Hopkins University. Among them are (1) that the head or director of the school will act as chief of staff in plans for research and as official representative of the school in unifying its activities with other departments in the University; (2) that the first four professors will occupy chairs in international law, diplomatic history, international commercial policies, and international finance; (3) that the school will not emphasize formal instruction, but will endeavor to assemble existing information on world affairs and pursue those lines that will add to the total of existing knowledge; and (4) that the expected results will be an enlargement of available information on international affairs and the training of a body of experts in international relations.

The regular semi-annual meeting of the Academy of Political Science held at Briarcliff Lodge and New York City on May 10–13 took the form of a conference on international problems and relations, under the joint auspices of the Academy and the Carnegie Endowment for International Peace. A number of foreign guests were invited, and also one hundred or more representative American journalists and editors. The topics considered at general sessions were: practical ways and means of disarmament; international coöperation for the promotion of public health and welfare; relation of the control of raw materials to peace and economic prosperity; the economic problem of France; and America's part in international coöperation. Round-table conferences were held on the following subjects: practical problems of reduction and limitation of armaments; Mexican problems; international public health and welfare problems in relation to the protection of women and children; sanctions and American policy; the problems of the Near East; the

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situation as regards raw material; international problems of the powers facing the Pacific Ocean; the economic problem of France; and political and financial control of raw materials in war and peace.

The second conference on teaching and research in the social sciences, held by scholars of the southern portions of the country, was in session at the University of Virginia on March 19–20. Reports on the extent of teaching and research in the social sciences in about a dozen southern states were presented by representatives of the respective states, and a session was devoted to examples of research being undertaken or planned, presented by faculty members of southern institutions. Professor Charles E. Merriam, of the University of Chicago, spoke on social science research in the United States, and Mr. T. J. Woofter, Jr., of the inter-racial commission, Atlanta, outlined a plan for a southern social science research council. At a session devoted to state organization of social science teachers, the speakers were Professors W. E. Garnett, Virginia Polytechnic Institute, C. C. Taylor, North Carolina State College of Agriculture and Engineering, and D. D. Carroll, University of North Carolina.

The Los Angeles Institute of Public Affairs has planned a series of conferences and lectures on government and administration, to be held in connection with the summer session of the University of California, Southern Branch. One of the round table conferences is to be devoted to international problems pertaining to China and the Orient; another to municipal affairs, with particular reference to metropolitan and regional administration, and also questions of traffic and transit, and a third to the administration of justice, with attention especially to efforts to improve criminal law and procedure. The Institute of Public Affairs is under the general direction of the staff of the department of political science of the University of California, Southern Branch, but will be conducted in coöperation with other organizations and agencies which are interested in the issues and problems under discussion. The programs of the group meetings are in charge of a committee consisting of Professors Charles G. Haines, chairman, C. A. Dykstra, M. W. Graham, Jr., and Miller McClintock. Consideration of the administration of justice is made particularly timely by the fact that a state commission, with Major Walter K. Tuller as chairman, is at work on a plan to revise the criminal laws and procedure of the state.

The sixth annual session of the Institute of Politics will be held at Williamstown from July 29 to August 26 inclusive. Three full courses

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of lectures will be given as follows: "Disarmament and Security," by M. Nicholas Politis, formerly minister of foreign affairs in Greece and now minister to France; "The European Situation," Dr. A. Mendelssohn-Bartholdy, professor of law at the University of Hamburg, a member of the German peace delegation to Paris in 1919, and present member of the commission for the arbitration of disputes arising out of the fulfillment of the Dawes plan; and "Chemistry in World Progress," Sir James Colquhoun Irvine, president of the University of St. Andrews. Special lectures will be given also by Sir Frederick Whyte, president of the Indian Legislative Assembly in 1920–25, and Dr. Umberto Pomilio, of Naples. The former will speak on the general political situation in the Orient and the latter on industrial materials and their uses. General conferences, open to all members of the Institute, have been arranged as follows: "A Survey of the International Situation in the Far East," Professor George H. Blakeslee, of Clark University; "Public Opinion in World Affairs," Mr. Arthur S. Draper, foreign editor of the New York Herald-Tribune; "The Future Rôle of Chemistry in World Affairs," Mr. Harrison E. Howe, Washington, D. C.; and "Mineral Resources in their Political Relations," Professor Charles K. Leith, University of Wisconsin. The round-table conferences, confined strictly to those members of the Institute who have been assigned to them, are: "Aspects of the World Economic Situation," Professor Moritz J. Bonn, University of Berlin; "The Future Rôle of Chemistry in World Affairs," Mr. Harrison E. Howe, Washington, D. C.; "International Problems Arising from the Diversity of Legal Systems," Mr. Arthur K. Kuhn, New York City; "Mineral Resources in their Political Relations," Mr. H. Foster Bain, New York City, Professor Charles K. Leith, University of Wisconsin, and Mr. Charles McDowell, Chicago; "The Chinese Republic and the Powers," Mr. Henry K. Norton, New York City; "Limitation of Armaments," Professor J. S. Reeves, University of Michigan; and "Inter-American Problems in the Foreign Policy of the United States," Dr. Leo S. Rowe, Pan American Union, Washington, D. C.

The Content of the Introductory Course in Political Science. Probably no more significant exposition can be made of the present state of political science than to note the divergence of opinion among its devotees with regard to the content of the introductory and fundamental course in the subject. Moreover, it is not the expectation or object of this paper to bring agreement where there is now disagreement. For a

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time it seems rather likely that the present situation will become intensified as the quest for introductory material proceeds, a quest that many individuals, a number of special academic agencies seeking to produce desired citizen types, and higher institutions of learning generally are all pursuing with greater or less zeal.

In the past, the divergence in opinion among those responsible for offering introductory courses has been indicated chiefly with respect to the assortment and quantity of descriptive material to be used. Disagreement has been born of training and has been accentuated by the different aims or objectives which the introductory course was presumed to serve. Such adaptation seems to be logical within moderate limits, and if there is no body of material which may be generally accepted as fundamental there is hardly any limit to the variations in which curricula may indulge. Indeed, in this respect political scientists have been wise and logical, for as between bodies of descriptive material there is no good reason for denying the validity of any of it as a suitable point of beginning. Obviously, however, with given objectives and under given circumstances, some parts may be more advantageously used than others.

Thus it has come about that the demand for broad cultural training has been met in many instances by giving a general introductory survey of the political practice of the race during historical times, including some consideration of the major apologies or criticisms with respect to the various aspects thereof. The historical method serves to determine and describe the political phenomena of a given period or people and to provide a record of the process by which practice became rationalized. When this survey of political experience and reflection was complete, the student was deemed to have the background against which to project and evaluate current phenomena. Unfortunately, because of the limitations of time and method the conditioning factors which produced the formal political institutions or maintained them have rarely been dealt with. As a result, few if any of the students could acquire insight into the relation between causal factors and the political phenomena under scrutiny. In short, the introduction, if such it has been, has lacked dynamic quality and has had little or no vital relation to the life of the student.

One may observe also that this result has not been appreciably altered by a second type of introductory course which seeks to illumine the mind of the student through the comparative analysis of political practice in the chief contemporary states. It should be noted, however,

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that there is some gain in the degree of interest stimulated by the sense of nearness in time and of seemingly practical values incident to familiarity with one's own age. But, on the whole, the material available for comparative study of formal political institutions is wanting in effectiveness, and the success of such a course is to a large extent dependent upon the vividness with which the instructor can present the material. Moonlike, it will dimly but gratifyingly reflect the glow of a radiant personality. Such a teacher is the only living force with which the student, unless he be unusually curious about the human scene, ever comes into contact. Of executive systems, legislative systems, administrative systems, legal systems, systems of local government, *et cetera*, as vehicles of life, he learns little and understands less. Usually he glimpses only the variations in color and leaves the course with the usual number of semester hours credit and the usual want of insight into the conditioning factors which produced the spectacle. Still, he is the gainer, if, in the presence of a body of political experience so rich and varied in character and so vast in extent, he becomes humble.

The search for the practical equipment needed by the citizen for the exhausting tasks of his day of omnicompetence has led the majority of colleges and universities to begin instruction in political science with a survey of American government and politics. Whether inducted into this field after a brief review of former rationalizations regarding major political phenomena, or by short cuts through the devious and tortuous pathway of American colonial polity, revolutionary fervor, and the *real-politik* of constitution making, or by some combination of the two which first hurriedly brings him through the deserts of speculation to the border of his promised land and then temporarily plunges him back into the wilderness of American political origins—in any case he soon finds himself in the presence of the supreme law of the land and in the midst of the most luxuriant flora in the political world. Forty-nine major governments flourish in the American field and a bewildering complex of local governmental agencies. Without more ado, the beginner undertakes the conquest of their organization, powers, functions, administrative and legislative processes, foreign affairs, interstate relations, citizen rights and duties, political party organization, functions, and methods, and the chief political, social, and economic problems of American life. If he survives both the content and the methods of instruction he adopts one of four principal alternatives: he joins the army of vanishing voters; he joins the group of professional Fridays who stage the sham battles of American politics; he joins a hundred per cent American service club

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and thanks God he is not as alien as his forefathers were; or he becomes a reformer, perhaps as futile as his predecessors. Now and then he may endure to the end, become a teacher of American government, perhaps even the author of a text to perpetuate his enlightenment among the throngs who are crowding into civic responsibility.

More recently has appeared the introductory approach through the statement of major problems of politics and the description and analysis of the chief solutions which have been worked out. The student is ushered into the presence of such dignified and diverse puzzles as the scope of governmental activity, the suspension of constitutional guarantees, pluralism vs. monism, the merit system, and public control of government, budgetary procedure and representative government, the regulation and control of commerce and industry, the judicial function, etc. Perhaps he has been assured by way of prelude that political science is under obligation to other sciences and makes use of their findings as a starting point. Some of these sciences, such as sociology and social psychology, are commonly deemed by curricular arrangement as undesirable for persons less mature in social experience than juniors and seniors. Thus the foundations for the understanding of government and politics are denied, and the formidable task of begetting insight and the interest in the political scene which almost invariably accompanies it is deferred until the majority have succumbed to the bewildering immensity and intricacy of the political problems indicated or view them as a stupid evil which every healthy mortal will do well to ignore. Some, more impressed with the dilemma presented in political society, will rejoice in the contacts established and come to the conclusion that such a course should be made compulsory. A minority decide to do major work in the field as a means of satisfying the requirements for a small amount of concentration before receiving the bachelor's degree. A few sense the importance of becoming familiar with the main trails in preparation for law or graduate work in the field. On the whole, there is freshness in the problem approach to political science, but chiefly because its newness has afforded temporary relief and change to an overworked, jaded, and disillusioned teaching personnel.

Is there a fundamental and dynamic approach to political science which offers emancipation from the worst evils we now endure and from the mental malpractice in which we now participate? No amount of rationalization will establish the validity of present practice, or of any practice that rests chiefly upon descriptive material, problem material, "practical methods," and the like. Normally the result will be a class of

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student Babbitts, skilled crammers, immediate forgetters, creatures of rote, and unwitting pillars of some form of oligarchy. We are caught up in an immense and alleged educational machine, inundated with numbers who seek they know not what, a machine in which the administrative problem of providing sufficient and competent instruction has been shifted to overburdened teachers and overcrowded classrooms, and in which pedagogical devices, textbooks, and reports of various sorts are substituted for the indispensable contact of learner with learner and constitute the squirrel cage within which we keep in motion and cultivate the illusion of progress. From such a predicament there may be no rescue in sight. From the standpoint of organization and method there can be no relief so long as the teacher permits adminstration to saddle him with the problem of numbers. But in the widespread disagreement as to the nature and content of the introductory course there is evidence of healthy experiment and determined exploration.

There is one divergence from the introductory courses just described which is so fundamental in character and content and which involves such a marked revaluation of objectives and methods that previously mentioned differences seem less significant in contrast. Especially is this the case because it seems possible to realize both the cultural and practical objectives of the introductory work more effectively than do any of the courses now generally in vogue. It is in the hope that the experience of one who has been exploring the possibilities of this newer approach may be helpful to others charged with the responsibility of introducing the student to political science that attention to it is invited, especially as it is not assumed that the content and method of the course have been more than tentatively worked out.

The introduction indicated deals with political control as one of the major factors in social control and traces and develops its genesis, nature, and technique. The findings of anthropology, social biology, psychology, sociology, and economics are reviewed, thus enabling a survey of political phenomena from the standpoint of causation as well as description. The historical method and the critique of law are employed and government is given genetic treatment. Its relations to and interrelations with other types of social control, e.g., the family, religion, education, etc., are indicated. The life of the student from infancy to the present day takes on new meaning. Interest becomes dynamic as the origins, motivations, techniques, and mechanisms of control by the group over the individual are unfolded, and as the desires, motivations, habit responses, and mechanisms of the individual to which appeal is made and through

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which control is made effective pass in review. The human scene in its political aspects takes on new meaning as it becomes associated with the problem of one's own personality, a major and intriguing factor from each individual's point of view. All the groups to which the student belongs and all the controls to which he is subject become the objects of scrutiny and subjects for reflection, and the individual's relation to the functions of restraint, social and political integration, efficient regulative activity in behalf of the common welfare, and to the effort to attain equitable and harmonious adjustment among the conflicting egoisms of the multitude become apparent. Even national loyalty begins to take its logical place in the world relationship in which it properly belongs.

This reconstruction of approach with a view to explaining as well as describing political phenomena involves the development of new methods and techniques and the use of terminology and material heretofore unappropriated or ignored. The textbooks of today are valuable as works of reference, but afford no basis adequate for the task in hand. Moreover it is not possible to assume that the freshman or sophomore in political science has the background in biology, sociology, economics, and psychology necessary for the explanation and understanding of political life. Yet without such background the descriptive material and rationalizations of existing political systems now so generously placed before him can rarely have real cultural or civic significance. The mastery of them may be of some importance as discipline, or in a program of inculcation, or in the process of maturing the thousands of minds now in contact with higher education; but these processes may be, and all too frequently are, unrelated to the development of a sense of causal relationships in the field of political science. As a rule, the recipients of such training are as uninformed except in respect to the formal and routine aspects of government as before taking the courses given. Nor is it sufficient for teachers of political science to plead in mitigation of this situation the absence of background and preparation on the part of the students. Not only in behalf of those who will later specialize in the field, but for the quickening of all who come into contact with the subject, it becomes our business to organize the background as an integral part of the material of the course and to present it from whatever contributing sciences it may be drawn in such fashion as will best illumine and vitalize the particular field in which we labor.

To find content for such an introduction is not difficult, but it would be presumptuous to indicate more than a tentative selection. In my

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judgment, there is no valid reason why an instructor might not work out such an introduction in connection with any part of the general domain of political science from which he can bring data with the greatest ease and assurance. This alone would serve to break up the regimentation of approach and secure the enthusiasms for introductory work which ordinarily accompany only the mastery and understanding of particular fields. But in this country it is more likely that general introductory courses will usually be worked out in connection with the political phenomena of American life, and occasionally with those of other contemporary governments. My experience has indicated that a semester devoted to background in the basic contributing fields is adequate to develop the criteria and technique for analyzing political controls, and the rest of a year course of six hours credit may well be spent in applying this basic knowledge to specific problems in the field under study, e.g., American government.

As one who has taught more than one introductory approach to political science, and who has achieved a relative measure of success in dealing with large bodies of students, I confess to being deeply aware of the mental malpractice to which I have subjected thousands of normal individuals through a stupid introduction to the subject. In so far as this paper suggests reconstruction, it is done humbly and in the hope that better ways may be devised. It is in no spirit of finality that I indicate the content of the introductory course with which I am now experimenting and which I find so fruitful and rewarding, but rather that the account here rendered may call forth further testimony and experiment on the part of others.

In the beginning, it is important to challenge the validity of the thought process and opinions of the student with respect to all social phenomena and to indicate how much of the political *credo* of the average man has no rational quality so far as his relation to it is concerned. Having initiated this iconoclastic attack upon the opinionated and prejudiced concepts and attitudes with which all students enter upon the study of social and political phenomena, a few days are spent in reviewing the findings of modern biology in regard to heredity, environment, the question of population, and the increasing significance of the science of eugenics, all factors having important political implications. The mimeograph readily enables a class to cover the essential facts, including the significant relation between biology and the basic sciences of chemistry and physics, within the time allotted. Occasionally an important current contribution is available to assist, such as the recent

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article by Professor Conklin in the November *Scribner's*. The next step is to acquaint the student with the findings of psychology, especially objective psychology, in regard to bias and prejudice, the egoism of the crowd, the phenomena of response within the crowd, the significance of repressed complexes, the factors of wise thinking, habit response, and the importance of control terms and slogans, the presence of human motivation in social causation, the fallacies lurking within institutions as mental concepts—these and special contributions such as O'Higgins, "The American Mind in Action," are available as aids to a causal explanation of political behavior on the part both of the individual and of the group. Follow this with a survey of the folkways and *mores* as significant controls in the realm of public affairs and the political *credo* of the individual—an effective method of establishing the sociological basis of political science. When to this is added an introduction to the political practices of primitive people, the headmen and medicine men of today begin to show through the veneer with which they have been covered through usage and uncritical acceptance.

A class may then consider the economic controls in political behavior, using chapters from Keller's "Starting Points in Social Science" to indicate and explain the importance of economic conditions. The change in the character of the fundamental economic problem from that of overcoming constant deficit in production to that of securing proper distribution of surplus, and the political implications of that change, are suggested by Patten's "New Economic Basis of Civilization." Read in connection with one of the modern utopias, the effect is to project the imagination of the student into a future calling for the fruitful release of all the energies he may possess.

The remainder of the semester may be spent in considering the validity and importance of government as one of the controls of society, the chief one, and its relation to other obvious controls, those exercised by religion, the family, and education, to mention the most important. But none of these are now viewed with uncritical eye; they, too, have become the objects of inquiry, investigation, and reflection, and all the accepted modes of expressing control subject to challenge and appraisal. In entering upon the study of government, the student now brings to the task not only an understanding of its place in the field of science generally and the social sciences in particular, but a basic knowledge essential to insight as to the meaning and validity of its forms and functions and an attitude of mind that brooks no vapid generalizations in lieu of explanation based upon working hypotheses drawn from all

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the contributing fields of knowledge. Government ceases to be the object of rote and becomes the vehicle through which life, the student's life, that of his family and of the groups with which he is associated, is expressed and its interests given force and made effective. His spirit is chastened and humbled as he realizes how little of reason and how much of emotion has entered into his thinking and how through obvious techniques the mechanism of his own personality has been available to exploit and control his behavior through illogical appeals.

From such an introduction, the teacher may launch into a second semester studying the phenomena of political life and organization in any one of a number of directions such as American national, state, or municipal government or other modern government. But the treatment can never be purely formal and descriptive—always it must reflect the government as an agency of social control operated or rendered inoperative by human forces, groups, and individuals seeking expression or struggling to realize objectives through the mechanisms of political society and the control of the mechanism of personality in others. The political aspects of the human scene and the techniques of political control are the objects of increasingly dynamic and discriminating interest.

No teacher of political science should imagine that such an introduction, with its accompanying release of energy and scrutiny of all present forms of political control, is free from its problems. Not so. Critical eyes are turned toward all the social controls to which the student is subject. Group regimentation through fraternities and sororities come, under review, family relations are examined in a new light, university and college regulations are brought under the microscope, athletic exploitation of the loyalties and *mores* of student life becomes visible, propaganda of all sorts, idealistic and otherwise, advertising appeals—all these aspects of the human scene and many more become areas of new understanding through ability to transfer his technique of inquiry, investigation, and reflection to bear upon different kinds of situations. In it all, the dominant attitude, if the teaching has been well done, is one of humble awareness and increasing dependence upon research and expertly formulated appraisals.

With such an introduction, the teacher of political science has at his command an immense laboratory comprising the controls of group and campus life as well as those of state and nation. The scientific method is shown to be available for the description and explanation of political phenomena. Certain hypotheses are already indicated, although

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the nearness of the frontier is apparent to all. The quest for explanation becomes a passion stimulated by the realization that one's own most interesting self is deeply involved in the area of life under review. The contact of learner with teacher, also a learner rather than an oracle or a textbook, is one of the most stimulating experiences in academic life and need not be reserved for upperclassmen and graduates. Insight into the controls of government and politics is the essence of political science, and the acquisition of insight offers the only assurance that the average person can be sufficiently immune to illogical appeals, propaganda, and control to be considered a free man. Without free men in such a sense, the assumptions underlying popular government are invalid. The alternative, however disguised, is some modification of oligarchy—government of, by, and in the long run for, the few. An introduction to political science that is candid, objective, scientific, and explanatory might contribute much to the realization of the age-long dream of a great society of free men in a free state.

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BOOK REVIEWS

EDITED BY W. B. MUNRO AND A. C. HANFORD

Harvard University

Précis Élémentaire de Droit Administratif. By Roger Bonnard. (Paris: Recueil Sirey. 1926. Pp. 555.)

Précis Élémentaire de Droit Administratif. By Maurice Hauriou. (Paris: Recueil Sirey. 1926. Pp. vi, 521.)

These are two manuals bearing the same title and covering essentially the same field, prepared for the use of candidates for the degree of *licence en droit* in the French universities. The author of the first one is the well known professor of administrative law in the University of Bordeaux; the author of the second one is the eminent dean of the law faculty of the University of Toulouse and one of the outstanding authorities on French administrative and constitutional law. Both treatises are models as text-books for college students, and it would be difficult to say which of the two more nearly meets the needs for which they were written. The subject matter of each volume is logically arranged and divided into titles, chapters, sections, and numerous rubrics with that meticulous care which is characteristic of French scientific treatises. Professor Hauriou's manual, he tells us, contains the "doctrinal substance" of his larger and earlier work on administrative law (10th edition, 1921), with the formulas simplified and the treatment abridged. He expresses the hope that it may arouse a sympathetic interest among students for a branch of law which, he says, has enjoyed for a long time only a "mediocre reputation."

While the field covered by both books is limited mainly to an exposition of the general principles of administrative law and administrative jurisdiction, with a summary of the jurisprudence, each author naturally emphasizes or passes over certain matters which are otherwise treated by the other. Professor Hauriou plunges into the subject of his treatise at the outset, whereas Professor Bonnard prefaces his work with an introductory general chapter dealing in the main with the state: its attributes, its functions, the public services, and the theories relative to juridical personality and sovereignty of the state—a chapter which will doubtless appeal more to the student of political science than the student

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of administrative law. Professor Hauriou draws a contrast between countries like France which have a *régime administratif* and those like England and the United States which do not have it. In the former the administrative function is assumed by a power of centralized police which is at the same time a branch of the executive power distinct from and independent of the judicial power, whereas in the latter the administrative machinery is subject to judicial control and may therefore be called a régime of "judicial administration."

The reasons which justify the separation and independence of the administrative jurisdiction as over against the jurisdiction of the ordinary judicial courts are, he says, of three kinds: first, the desirability that administrative controversies, by reason of their peculiar character, should be decided by judges who possess special qualifications such as the judges of the ordinary courts do not have; second, because it is unnatural that the state should be willing to submit the control of its acts to an ordinary judicial magistrate and thereby incur the risk of condemnation and execution; and, third, because a specially trained administrative judge, particularly if he is in touch with the administration, is (contrary to the Anglo-American view) in a better position than the ordinary judge to "sacrifice the prerogatives of the public power and to appreciate progressively the sacrifices necessary." In support of this last statement he calls attention to the fact, abundantly supported by the jurisprudence of the Council of State and the Court of Cassation, that the latter has shown itself to be far less disposed than the former to decide against the claims of the administration in its controversies with private individuals.

Here lies one of the curious developments of French administrative jurisprudence. The whole principle of administrative jurisdiction is attacked in England and the United States on the assumption that the immunity of the administration from judicial control and its subjection to the control merely of the administrative courts means no real control at all and thus leaves the individual to the tender mercies of the government. The history of French jurisprudence shows the contrary to be the fact. In hundreds of cases the claims of the individual against the state have been sustained by the supreme administrative court when they would have been denied by the Court of Cassation. In short, the Council of State has shown itself to be more liberal, more progressive, and more ready, as M. Hauriou remarks, to "sacrifice the prerogatives" of the administration and to uphold the rights of the individual than the judicial courts have usually been, much more strictly bound, as

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they are, by the law and less free to base their decisions upon considerations of expediency and equity.

J. W. GARNER.

University of Illinois.

The Governments of Europe. By WILLIAM BENNETT MUNRO. (New York: The Macmillan Company. 1925. Pp. viii, 782.)

The author announces that his aim in writing this book has been "merely to provide, for the general reader and college student, a pen picture" of the chief governments of Europe "in broad outline, in silhouette, as it were." The governments of five major countries have been included, i.e., those of Great Britain, France, Germany, Italy, and Russia, and, in addition, those of a half-dozen or more of the lesser states. To write an adequate account of the foregoing within the compass of one volume of moderate size would be a truly formidable task; to accomplish the author's objective is something yet more difficult. There is an immense mass of facts to be encountered; but the finding and the setting forth of the facts alone will not suffice. That might indeed give a distorted view of the form, principles, and functioning of the various governments. In such a work as projected here, the art of selection is of primary importance. A certain hard-heartedness in discarding well-known facts and theories respecting the various governments is highly desirable not only in the interest of truth but in the interest of the prospective reader and student. It goes without saying that Professor Munro has selected well, and that he has thereby been able to tell more truth about his subject than if he had attempted to tell more.

At the outset, one cannot avoid regarding the governments of these twenty and more nations as a whole; as the several manifestations of the efforts of the people of a great continent to solve the problem of the "coercive institution" of society as well as their efforts at collective action in political matters. From this standpoint, the author was justified in picking out here and there for more elaborate treatment those devices and methods of government which have been particularly successful, which are unique, or which have served as examples and have been widely imitated in many countries. In Great Britain, parliamentary and party government, the administration of the national finances, the organization and control of the civil service, the judiciary and the methods of law enforcement are such, and deserve the consideration given them. Other topics of this kind are the use of the initiative and

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the referendum in Switzerland; the system of local government in France; and, in the same country, the success, through the use of the administrative courts and law, in enforcing the liability of government for the unlawful acts of its officials and at the same time not obstructing the firm enforcement of the law. The chapters on "Law and Law Courts" and "Administrative Jurisprudence" are admirable, and should be known to a wide group of readers in this land of the common law. In the brief account of the new German government, consideration is given to the method of election to the Reichstag through a system of proportional representation; to the second chamber problem, which is solved through the use of the Reichsrat as a reviewing and checking body only; and to the attempt to link up in an unusual degree the economic life of the nation with the government through the creation of the Reichswirtschaftsrat. It is to be regretted that the well-ordered German civil service could not have been given more consideration.

Political parties are treated as "integral factors in the mechanism of democratic government." Certainly no view which did not accept this premise would be at all adequate. The author finds that in England "there are political organizations . . . . but no political machines" deserving of the name; nor anyone "hardly entitled to be called political bosses." In Switzerland there is found the seeming paradox of a people, intelligent, educated, interested in public affairs, and possessed of political experience, but not greatly concerned about the triumph or defeat of a political party. Absence of a well-known species, the professional politician, is noted. A country with more statesmen than politicians deserves further study. Why the American social system breeds and supports the latter in abundance, and the Swiss and English do not—in fact, the whole subject of political parties as motivating parts of the government on one side, and emanations from society on the other—is deserving of careful study in these little laboratories of Europe; much more, of course than could be attempted in a work of the limited objective of this one.

This volume offers ample proof of the old dictum that the science of government and politics is an experimental and a progressive one. Not one of the governments described is just what it was twenty years ago, and a majority of them are not even substantially so. It is of the utmost importance to know how the various progressive and revolutionary changes among these peoples, of all in the world the most experienced in matters of government, were brought about, and in what ways their political genius manifested itself in devising new forms. The student of

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government must direct his attention not only to governments that are going concerns, but to the processes of change; for the same social forces and motives must exist in stable states and in acts of revolution. No other field of study for this purpose can well prove as fruitful as Europe.

The book is clear, forceful, well-organized, and on the whole impartial. The author has rendered a substantial service to the general reader and student of European government.

EARL L. SHOUP.

Western Reserve University.

American City Government. By WILLIAM ANDERSON. (New York: Henry Holt and Company. 1925. Pp. ix, 675.)

Professor Anderson's contribution to the American Political Science Series edited by Professor Edward S. Corwin is a volume intended for use as a college textbook in municipal government. Although there are several excellent texts already in the field, the scope of municipal government is so broad, the science of municipal government is developing so rapidly, and experimentation is so constantly bringing to light new facts, that there is abundant room for a new text.

The author did not bring forth "just another text." He gave his work an individuality and character all its own. He attained the end by choosing to emphasize the "working processes of government" rather than the "structure of government," to "stress principles rather than details of fact," and to relate the principles "to the several important steps in the normal process of popular government." Furthermore, the author adopted the ambitious task of keeping before the eyes of his readers "the whole series of social and economic groups and forces which play important parts in the urban drama."

The reader soon discovers that the author is making good his promise. The reader is led, from time to time, into by-paths of philosophy, psychology, political theory, sociology, economics, public finance, constitutional law, federal and state relations, etc. Not only has the author brought to his use and made to serve his purpose the principles from these allied fields, but also he has caused the master minds of all ages to contribute from their wisdom. The reader is surprised now and again by glimpses of Chaucer and Emerson, Herbert Spencer and Sidney Webb, Mathew Arnold and Mr. Dooley, Aristotle and Lowell, Thomas Paine and Walter Lippmann; John Stuart Mill becomes a familiar figure (quoted or cited at least sixteen different times); while Rousseau, Jeffer-

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son, Hamilton, Bryce, Bosanquet, and Jane Addams are not neglected. Moreover, the author himself from time to time plays the part of a successful philosopher. For example (to cite only one of many instances): "A simple explanation of social or political occurrences is usually wrong"; and "a 'good' reason why a change should be made is not always the real reason why it is made."

The reader feels that the author has ever before him the conscious aim to discover and present the scientific relations in the processes of government. The breadth of the field, the nature of the material available, and the method of approach, however, have led the author in many places to use the deductive or *a priori* method of analysis rather than the inductive method based on objective evidence. Why the method was used is explained by the author as follows (p. 312): "The so-called inductive method is quite out of the question; therefore, we are forced to fall back upon the deductive or *a priori* method of analysis. Instead of exploring a great mass of facts in order to ascertain sound principles of organization, we first find certain principles drawn from the experience and reason of men, and then we proceed to test the different forms of government by determining whether they do or do not conform to our principles." This method has both its advantages and its dangers. It at least has enabled the author to enter the realm of speculation and theory, to stimulate thought and stir up controversy; there is a challenge on almost every page. The material, however, in the second half of the book, covering especially the city council, municipal administration, and municipal finance lends itself more readily to the inductive method, which method, in the main, is the basis of the author's generalizations in that portion of the text.

The author introduces his subject (Chaps. I–II) by stating the problems of city government, which, in his opinion, result largely from the unprecedented growth which has made the cities "the very center of the new life of man." The introduction is followed (Chaps. III–VI) by a brief treatment of the constitutional and legal aspects of the city government. The third section (Chaps. VII–XI) portrays the people of the city in relation to the processes of government. Here the author not only considers the human background of city government but attempts to set forth with a bold hand "the whole series of social and economic groups and forces which play an important part in the political drama. Public opinion, political parties, the machine, the boss, the reformer, nominating systems, methods of voting, direct legislation, and the recall are all examined and evaluated as factors in the processes of

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government. This section is the most stimulating portion of the book, but at the same time it is the most vulnerable.

Municipal organization occupies two chapters (XII–XIII). This subject is presented from two viewpoints: (a) historical development of the forms of city government, and (b) present day forms. In the opinion of the reviewer, Chapter XII on "The History of the Forms of City Government" is the least valuable chapter in the book and space might have been saved by incorporating the substance of that chapter in the materials of Chapter XIII. The reviewer, however, has not read a clearer or more convincing exposition of the city-manager form than is presented in Chapter XIII.

The process of legislation is presented in two chapters (XIV–XV) on "The City Council." Incidentally, the position of the mayor is also discussed in this section. Although only one chapter (XVI) is given to "Municipal Functions," the author in that chapter shows a breadth of knowledge, wide acquaintance with authors, philosophic insight, and the art of critical analysis, unsurpassed if not unequalled in any other section of the book.

Municipal administration occupies the major portion of the remaining chapters (XVII–XXIII), covering less than one sixth of the entire book. The author limits his treatment of this subject to the machinery of administration, and municipal finance. This section, if less stimulating, is certainly more "orthodox." The student is referred to "collateral readings in other works" (p. viii) for a knowledge of the several administrative services such as police, fire, etc. The concluding chapter presents the author's reform program which includes: (a) the short ballot, with its probable tendency toward elimination of "the invisible government"; (b) rigid application of the merit system and such supporting reforms as will take away the sustenance of the spoils party and thus tend to destroy the machine; (c) the Hare system of proportional representation, with nomination by petition and the elimination of primaries; and (d) more thorough political education of the voters (p. 640).

It would seem humanly impossible for an author with courage enough to attempt such a book to escape entirely the pitfalls of occasional inconsistencies. It is a compliment to the author that so few occur. A rather striking inconsistency, it seems to the reviewer, is found in the author's pessimism with regard to the ability of the masses to rule, as portrayed in the chapter on public opinion and political parties, and his optimism with regard to the same in the chapter on "reform" and in his quotation from Bosanquet on pp. 420–421.

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Occasionally the reviewer was forced to question the author's statement of facts. For example, he says (p. 335) that "the popular election of the mayor" in a city-manager city . . . . "would cause little harm and might do some good." . . . . The reviewer has observed instances where that provision has brought about an almost complete failure in the city-manager experiment. Again (p. 136), the author states that "because the 'Jewish vote' as a separate thing does not exist it cannot be delivered." The author's conclusion could not have been based upon several cities known to the reviewer.

The method of portraying the processes rather than the structure or functions of government has led to occasional repetitions and space-consuming overlapping of materials. For example, "proportional representation" in its essential features is described twice, first in Chapter X on nominations and elections (pp. 247–250), and again in more detail in Chapter XIV on the city council (pp. 337–364).

The author has produced a text which should serve as a challenge and an intellectual stimulant to the American college student who is willing to work hard. It will be shunned by the "country club" student who takes his information predigested. It is especially well adapted to courses conducted on the conference or discussion, rather than the lecture, method. It should also prove valuable in the preparation for comprehensive or major examinations in political science by students in such institutions as have adopted such a system.

The reviewer cannot refrain from adding, in conclusion, that the greatest need facing textbook writers in political science is carefully prepared monographs covering minutely and accurately the many fields still dependent upon the *a priori* method of analysis.

ORREN CHALMER HORMELL.

Bowdoin College.

The Usages of the American Constitution. By HERBERT W. HORWILL. (New York: Oxford University Press. 1925. Pp. xii, 251.)

As everyone knows, the constitution of the United States has been rendered a workable instrument of government by statute, by judicial decision, and by the rise of a number of political and governmental practices which have long since come to be regarded as settling its meaning on the points covered by them. Among such practices is that whereby presidential electors are obliged to vote for the party nominee; that whereby a president is—or has been—forbidden to run for a third term; that whereby, when the president dies, the vice-president becomes

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president; that whereby the president has ordinarily been permitted an uncensored choice of the members of his cabinet; that whereby a congressman is required to reside within the district which he represents; that whereby Congress is forbidden to overcome an unwelcome decision of the Supreme Court by "swamping" the Court; etc. All of these matters are fairly familiar to American students, but in bringing them together under one roof, as it were, Mr. Horwill has done something well worth doing.

Mr. Horwill would have liked to call his book "The Conventions of the American Constitution," but found the word "convention" in this context preëmpted for a very different use in the United States. He observes further that the word "constitution" is ambiguous, meaning now a particular document and now—more broadly—"the rules in accordance with which the sovereign power of the state is exercised." A French writer would no doubt designate the first the "formal" sense of the term, the second its "material" sense. The first is also its American sense, the second its British; and this time Mr. Horwill refuses to recede from his natural preference. What we call the Constitution he accordingly renames "The Fundamental Law of the Constitution," whereupon he proceeds gaily to repeal the Eighteenth Amendment even as a part of said Fundamental Law. Whatever fortune may attend him in the latter enterprise, it is impossible to overlook the fact that the American employment of the term constitution is today world-wide, while the British remains—British.

Some other verdicts of our author are also provocative of challenge. His implication that the electoral college counts for nothing nowadays is of course erroneous. The primary purpose of this body was not to keep the choice of president out of the hands of the people, but to leave each state free to determine its own rule of suffrage while preserving a due weight in the choice of president; and this purpose—today considerably attenuated by the Fifteenth and Nineteenth Amendments, to be sure—is still fulfilled. Mr. Horwill neglects to note that more than once the candidate having a plurality of popular votes has failed in the college. He also overlooks the operation of the system in necessitating a comparatively widespread support for a successful candidacy, and in removing the temptation to fraud if more votes meant more electors.

Perhaps the most interesting chapter in the book is that entitled "Accidental Presidents." It is Mr. Horwill's contention that in taking upon themselves the title and office of president those vice-presidents who have succeeded in consequence of the death of the president have

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been guilty of a species of usurpation of Article II, which says: "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President." "Grammatically," Mr. Horwill asserts, the phrase "the powers and duties of the said office" is the antecedent of "the same." Actually, however, it would seem that the requirements of grammar are better met by making "office" the antecedent, this alone being mentioned in the opening clause of the paragraph. Besides, is there any distinction between "the powers and duties" of an office and the office itself when with them is joined a guaranteed tenure, as is the case when the vice-president succeeds in consequence of the death, removal, or resignation of the president? Nor should it be overlooked that whereas, in the case of the disappearance from the scene of both president and vice-president, the "officer" designated by Congress to "act as President" holds only "until the disability be removed, or a President shall be elected," no such provision is made for the case when the vice-president succeeds. But whatever may have been the original intention of the Constitution—and inartistic drafting would seem to have left it somewhat obscure—Mr. Horwill's further contention that usage has settled the question would seem to be well grounded.

Another interesting chapter is that on "The Resident Congressman," in which Mr. Horwill explains the monstrous regiment of pettifoggers under which this country has so long groaned as in part an outcome of the localistic superstition. In this matter British practice is so different from our own, and so much more wholesome, that Mr. Horwill's criticisms are particularly valuable. On the other hand, in his last chapter, entitled " 'Safeguards' of the Constitution," our author has ventured rather beyond his depth. "Again and again," he says, "the fundamental law has been nullified in practice by judicial interpretation." His principal illustration is the commerce clause. But his assumption that commerce originally meant "transportation," and only that, is exactly contrary to fact—the original question was whether it meant transportation at all (Gibbons *v.* Ogden, 9 Wheaton 1). It is to be suspected that in writing this chapter Mr. Horwill was taken into camp by one of the numerous "constitutional lawyers" with which the capital city swarms.

Mr. Horwill writes with gusto, modelling his style closely after that of the late Professor Dicey, which indeed is an unsurpassable model for expository analysis. Even apart from subject-matter, therefore, the book can be commended to the attention of budding doctors in the field

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of politics. The make-up and printing of the book are further points in its favor.

EDWARD S. CORWIN.

Princeton University.

Our Federal Republic. By HARRY PRATT JUDSON. (New York: The Macmillan Company. 1925. Pp. vii, 277.)

Coming at a time when the zealous advocates of the child labor amendment resent any inquiry into the efficiency and appropriateness of federal legislation in dealing with this specific problem, and when the existence of an admitted evil somewhere within the national boundaries is regarded in many quarters as conclusive proof of the desirability of federal legislation upon the subject, this volume is a refreshing contribution. For Dr. Judson's thesis is not based on the assumption that the "federal equilibrium" as established by the fathers is sacrosanct, but on the more practical theory that the very nature of modern government, spread over territory so diverse in its interests and problems as is ours, requires the maintenance of an equilibrium between the national government, to which should be granted only those powers which are required by absolute necessity, and the liberties of local communities, in whose favor there should exist a strong presumption.

The importance of preserving this equilibrium is to be found, not in the fear of offending chambers of commerce by departing from constitutional dogma, but in the practical consequences that flow from a violation of the principle. These consequences are the overloading of the federal government, the inevitable growth of federal bureaucracy, the enforcement of an unnecessary uniformity over the people of different states where different ideals and needs are found, and a wicked prodigality in dealing with federal funds. "Each new assumption of Congressional power opened further vistas of possible approach to the federal treasury. The sources of federal income, too, are so remote from the ordinary taxpayer, are so insidious in their nature, that a grant from the United States is likely to seem like a free gift of the gods" (pp. 241–42).

The author's method of approach has been primarily historical. He has traced the tendencies to increase the powers of the federal government through the different amendments adopted and proposed, through judicial construction, and through legislative action. Special attention has been given to social legislation in the constitution, to the evils of pension legislation, and to the recent tendencies toward the federal

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control of education. This collection of material will be invaluable to those interested in the problems of centralization. It is to be regretted that the distinguished author did not attempt a more comprehensive formulation of the principles of political science that are involved in this fundamental problem. Such a formulation, even though obviously tentative, would have been a most useful and stimulating contribution.

It is to be hoped that this volume will be widely read by those individuals who insist on viewing the problems of the formulation and enforcement of public policy as a problem of power rather than of method. In the minds of many, a constitutional amendment conferring the power to legislate regarding a particular problem is regarded as tantamount to its solution. Such persons are never worried about questions of method. The difficult and intricate problem of areas of legislation and administration about which we know so little, but which are of such practical importance, do not vex or bother them. If this volume attracts wider attention to the existence of such problems it will have rendered a most useful service.

ARNOLD BENNETT HALL.

University of Wisconsin.

Congress, The Constitution, and The Supreme Court. By CHARLES WARREN. (Boston: Little, Brown, and Company. 1925. Pp. vii, 308.)

The power of the Supreme Court and proposals for limiting the Court's authority have been subjects for comment almost since the judiciary began to function. For this reason, recent discussions of the same topic, and even definite plans for reducing the Court's power, should cause no alarm. The subject has been examined and re-examined. Lawyers, labor leaders, and others have had their turn. So it is time that we should have a fair and impartial treatment of the whole subject and a competent evaluation of those proposals that would restrict the present power of the Court. Mr. Warren's book is an attempt to meet this need. In the author's own words, "This book is an effort to supply the facts, so that each American may 'think for himself' or herself, and not rely on the say-so of politicians, labor-leaders, or social reformers, of whatever degree of eminence."

The book opens with the doctrine of judicial review. In a clear and concise manner, Mr. Warren shows that the framers understood this doctrine and that it was equally well appreciated by members of the early Congresses. Therefore all criticism of the Supreme Court on this score is beside the point. The greater portion of the book is devoted,

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first, to showing that to make Congress final interpreter of its own power would be tantamount to a destruction of the Constitution; second, to require closer agreement than decisions reached by a five to four vote would lower the prestige of the Court. There are other chapters dealing with labor and the Supreme Court, the independence of the Court, and a final chapter which gives a brief summary of the grounds for those decisions of the Court holding acts of Congress unconstitutional.

It is unfortunate that this study is hardly what it promises—an unbiased portrayal of the facts. I doubt if any reader will lay the book down without a feeling that it constitutes for the most part a brief for the Supreme Court. It must be admitted, I think, that the subjection of all the ordinary authorities and organs of the government to a supreme instrument expressing the will of the people was a novelty among governments. But that it should come to pass that one of the agencies created by this instrument—the judiciary—should exercise, as incidental to its constitutional function of law interpretation, not only the function of defining the scope of legislative power but that of setting limits upon its own power as well, is certainly most extraordinary, if not unique. It is true, as Mr. Warren frequently points out, that those who denounce the Court greatly over-state their case. It is also true, I think, that Mr. Warren scarcely gives their criticisms and proposals the weight they deserve. When the author proceeds to consider in Chapter V the consequences of a change in the Court's power along the lines which the reformers propose, he errs, I believe, in over-stating his case to almost the same degree that the reformers of the Court err in overstating theirs.

One may well agree with Mr. Warren, for instance, that Congress should not be allowed the final say as to the constitutionality of its own acts, and still not entertain his dismal fears of the consequence of such a change. In this connection, the author says that "Congress could alter or abolish any of the powers of the President or of the Court, granted by the Constitution; alter or destroy any of the reserved powers of the states; deprive individuals of any or all of the rights guaranteed by the bill of rights. In other words, our entire system of government, as established by the Constitution, with its limitations of power and its checks and balances, will exist only so long and so far as Congress shall not choose to alter it." It might be suggested that Congress, like the Supreme Court, is bound by oath to uphold the Constitution, and that the mere fact that Congress "could" disregard the Constitution at will is not to say that it would choose to do so. Nor is the practice of permitting the legislature the function of judging as to the constitutionality

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of its own acts in their relation to the Constitution unknown in a federal form of government of the non-parliamentary type.

This is not to underestimate the real worth of the study under review, but rather to point out its shortcomings in the matter of tone and objectivity. Like all of Mr. Warren's books, it displays great learning and wide research, and contains much information of value to students of political science.

ALPHEUS T. MASON.

Princeton University.

Sovereign States and Suits before Arbitral Tribunals and Courts of Justice. By JAMES BROWN SCOTT. (New York: New York University Press. 1925. Pp. x, 360.)

This volume comprises six lectures delivered by Dr. Scott in the spring of 1924 at New York University. It is not a systematic study of the Permanent Court of International Justice, nor an argument, save indirectly, upon the controversial aspects of the problem of American adherence to the court protocol. It is rather an attempt to show from a careful analysis of American constitutional history and development how thoroughly steeped this country is in the tradition of settling disputes between states by arbitral or judicial process.

There is an introductory chapter on the nature of sovereign states in international law. Dr. Scott then studies certain phases of the evolution of the American constitutional system, showing that the American states at the time of the Revolution were independent in the international law sense, that under the Articles of Confederation they parted with enough of their complete independence to establish a permanent system of arbitration, very roughly analogous to the first Hague Court, and that later they set up an indestructible union which provided for the permanent judicial settlement of all disputes between the member states by the Supreme Court. The third lecture traces the development of methods for the peaceful settlement of disputes between states through good offices, mediation, commissions of inquiry, friendly composition, and arbitration, and indicates that judicial settlement by a permanent court is the next logical step. A fourth chapter deals with the Supreme Court of the United States and the character of its jurisdiction, particularly of an interstate and international character. This is followed by a survey of the cases which have come before the Supreme Court involving disputes between the states of the Union and the way in which the court has handled these cases.

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Having laid this American background, Dr. Scott then proceeds to discuss the movement culminating in the establishment of the Permanent Court of International Justice. Of this he is in a position to speak with authority, inasmuch as he served as expert advisor to Mr. Root, who was a member of the Advisory Committee of Jurists which drafted the substantial outlines of the present court statute and protocol. He emphasizes the important service which Mr. Root performed in suggesting the method finally adopted for the selection of the judges of the Permanent Court. The chapter is rounded out with a general discussion of the organization and jurisdiction of the court.

The book contains nine appendices comprising several American constitutional documents as well as various others of current international importance such as the draft scheme of the advisory committee of jurists for the World Court, the statute creating the tribunal, and the protocol actually establishing it. The third appendix lists all the cases between the states of the American Union, or between the United States and the states, which have come before the Supreme Court.

The book leaves upon the reader exactly the impression which Dr. Scott undoubtedly wished to make upon his hearers when he delivered the lectures, namely, that American participation in the Permanent Court of International Justice is demanded by all the traditions and experience of this nation in settling the numerous disputes which have arisen between states. American failure to join would have been a betrayal of the past. This is not the thorough and comprehensive book on the World Court which we wish that Dr. Scott would give us, but it forms a suggestive and valuable background for such a work.

ROBERT E. CUSHMAN.

Cornell University.

The United States Senate and the International Court. By FRANCES KELLOR and ANTONIA HATVANY. (New York: Thomas Seltzer. 1925. Pp. xix, 353.)

The interest and timeliness of this volume is not destroyed but rather enhanced by the action of the Senate in approving adherence by the United States to the Statute of the Permanent Court of International Justice. For in the first seventeen of the twenty chapters the Court itself and its organization and activity are discussed with only incidental reference to the question of American adherence. And the concluding chapters may still be read with interest to discover whether foes' fears or friends' fond hopes are being borne out in the event.

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When so much as been said, however, one has a more difficult task in accepting the book on the grounds of soundness and value. The evident fact is that the author was carrying on a very unpleasant struggle through all her chapters to avoid coming out and damning the whole outfit—League and Court, Covenant and Statute. The result is twofold. First we find many bad things said about the Court, followed by grudging admission that the United States does not propose to agree to these things anyway. Second, we find many bad things said which are simply not true. Thus, it is not true in any real sense that the "Statute maintains the principle of national judges," or that "whatever obligatory jurisdiction the Court possesses under its Statute is derived from the optional clause,"or—numerous other things. In her effort to discover defects in the Court the author has pressed too far in many cases to remain within the bounds of accuracy. And the constant fears for the safety and protection of the United States seem either unreal, argumentative, or ridiculous, in face of this—as is admitted, and even emphasized—weak and inadequate Court and League. Yet the author advocates American adherence!

The truth is that we do not seem to be able to prevent the mob complex toward the League which we had foisted on us in 1921—after, not during but after, the election of 1920—from making ninnies of us. The League and the Court have defects and deficiencies, heaven knows! But they are defects and deficiences of weakness and youth, not of power or viciousness. To go upon an opposite assumption is to be victimized by one's own imagination and somebody else's exploitation.

PITMAN B. POTTER.

University of Wisconsin.

Great Britain and the American Civil War. By EPHRAIM DOUGLASS ADAMS. (New York: Longmans, Green and Company. 1925. Two volumes. Pp. ix, 307; vii, 340.)

The Diplomatic Relations of Great Britain and the United States. By R. B. MOWAT. (New York: Longmans, Green and Company. 1925. Pp. xi, 350.)

John Slidell. By LOUIS MARTIN SEARS. (Durham, North Carolina: Duke University Press. 1925. Pp. 252.)

Professor Adams, of Stanford University, has undertaken to give a definitive account of Anglo-American diplomacy during the Civil War. Rarely has modern diplomacy been studied from such satisfactorily complete materials, for Mr. Adams has used not only the manuscript

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archives of the British Foreign Office, but also private papers of the families of Russell, Lyons, Palmerston, and Gladstone. He has, consequently, left very little to be desired in his consideration of the rôle of the statesmen. He has narrated, following up the researches of the late Charles Francis Adams, the details of cabinet discussion and individual opinion at the most critical points of the war; and what he has told does not seem likely to be subject to further revision. Mr. Adams demonstrates, for example, the entire propriety of the much-attacked British proclamation of neutrality; he shows the effect on English statesmen of Seward's pugnacious attitude in 1861; and he explains with perfect clarity wherein the "peril of British intervention" really lay and at what times the matter came up. One conclusion in this connection is very certain: the danger of interference (granted the absence of great Confederate military successes) did not and could not recur after October, 1862, however spectacular might be the American field days in the House of Commons. In general, Mr. Adams convinces the reader that British policy was honest and straightforward as a whole, and firmly based, not on sentiment, but on considerations of the highest expediency. On one question alone would we like more light than the author casts, for he does not give much help on the problem of how far continental politics and English suspicions of Napoleon III may have influenced the cabinet's attitude toward American affairs.

Mr. Adams has made his book, he tells us, "primarily a study in British history." As such, it includes an important analysis of public opinion which demonstrates not only the great significance of the proclamation of emancipation, but that the controlling factor in the sympathies of most Englishmen was preoccupation with the fundamental problem of political reform in England. Reformers favored the North, conservatives of both parties the South. This part of Mr. Adams' work is less satisfactory than the purely diplomatic, for he has not familiarized himself thoroughly with the press, politics, and society of the period; but although as a descriptive picture of British opinion it is inadequate, the analysis is unquestionably sound.

Professor Mowat, a scholar to whom diplomacy is no new field, has filled a gap in writing a narrative account of Anglo-American relations from 1783 to 1914. His aim in this work is to set forth the process by which unsettled questions—matters provocative of friction between the United States and the mother country—have been gradually cleared away, until in 1914 the slate was practically wiped clean. The author is all suavity and good humor; his cast includes no villains and a number

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of heroes, and he wisely eschews any discussion of phobias and manias in Anglo-American history.

The work is, however, disappointing. Mr. Mowat has combined the "apparatus of scholarship" with the matter and manner of the story teller; and the reader, seeing his formidable but sporadic citations of manuscripts and reading his pleasant brief biographies, his digressions and ingenuous *obiter dicta*, cannot help wondering what it is all about. Of really fresh light on the subject there is little, unless in regard to matters of an episodical nature, while the whole treatment has an air of superficiality which is unfortunate. The casual reader can glean much; but the specialist will hardly turn to a work which devotes a page to the theatre (p. 40) and a third of a page to F. J. Jackson's mission to Washington in 1809 (p. 50); which ignores the fact that the Clayton-Bulwer treaty has been sharply criticized from the American point of view; which condemns Lord Russell without giving evidence; and which evinces palpable ignorance of American political history. Mr. Mowat gives an impression that he has dressed his window, but forgotten, in his haste, to stock his shelves.

The name of John Slidell, as much as that of Lincoln or Seward, is associated by most Americans with the Civil War. Slidell's part in the Trent affair was strictly a passive one and leaves only a lingering wonder as to why the books state that of all Confederates he was one of the most hated. This is a point which his biographer does not trouble with; nor does an outline of Slidell's career show much cause for the feeling—if it existed. Slidell's public life falls roughly under four main topics—his rise to domination in the Democratic party of Louisiana; his rôle as one of the inner powers of the national Democracy in the fifties, including his part in the election of Buchanan to the presidency; and his two unsuccessful diplomatic adventures, in Mexico for Polk and in France for the Confederacy. Professor Sears has realized that his subject was, after all, a secondary figure, and he has rigidly avoided adding any "times" to the "life." One may be permitted to regret that this is so, although in the complete absence of personal papers it would have been difficult to go far. But the fact should be recorded that Slidell's local position in Louisiana is almost untouched in the biography; and that the Warwick phase when Slidell made Buchanan president is proved as a fact rather than described as a process. The author brings out excellently the significance of the Mexican mission and shows how it fits in with a favorable interpretation of Polk's policy. The chapter on Slidell at the court of Napoleon III is merely a threading together of

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parts of Slidell's letters to Mason and does not pretend to be an account of Franco-Confederate diplomacy. All the significant parts of the book have been previously published. Both Mr. Sears and Mr. Adams have curiously ignored the fact that the diplomatic correspondence of the Confederacy was published by the United States government in 1922 (*Official Records of the Union and Confederate Navies in the War of the Rebellion*, Series II, Vol. III) in a large volume composed mainly of the famous "Pickett Papers." Its interesting contents have not yet been by any means exhausted.

HENRY DONALDSON JORDAN.

Dartmouth College.

Oriental Interpretations of the Far Eastern Problem. By MICHIMASA SOYESHIMA and P. W. KUO. (Chicago: University of Chicago Press. 1925. Pp. 220.)

Occidental Interpretations of the Far Eastern Problem. By H. G. W. WOODHEAD, JULEAN ARNOLD, and HENRY KITTREDGE NORTON. (Chicago: University of Chicago Press. 1925. Pp. 253.)

These small volumes contain twelve lectures delivered at the University of Chicago on the Harris Foundation in 1925. They present what is probably the most helpful, easily accessible, recent survey of conditions in the Far East. The training and point of view of each lecturer must be taken into consideration, and then it will be found that one may supplement or correct the statements of the other. Count Soyeshima is the son of a late Japanese diplomat and statesman, and himself a graduate of Cambridge University. He is well known as a publicist in Japan, and his articles on political and diplomatic affairs are features of the leading reviews. His three lectures deal with political, economic, and social aspects of modern Japan; Japan's policy toward China, Siberia, and Korea; and Japan's relations with the United States. Dr. P. W. Kuo is a prominent educator, a doctor of Columbia University, and now president of Southeastern University, at Nanking. His lectures cover the same ground as Count Soyeshima's, with China rather than Japan as the theme. Mr. Woodhead, an Englishman, is one of the best-informed foreigners in China. As editor of *The Peking and Tientsin Times* and of the invaluable *China Year Book* he has been in a position to follow the march of events in that troubled country with unusual sources of information. Mr. Julean Arnold has been for some years the American commercial attaché at Peking and is well qualified to speak of trade conditions and opportunities, while Mr. Norton is an American

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journalist who has given special attention to conditions in Eastern Siberia.

As an interpretation of conditions in 1925, the most valuable lectures are those of Mr. Woodhead. Dealing with the Chinese republic, the present state of China, extraterritoriality, and China's foreign relations, he surveys with remarkable clearness the chaotic conditions which have prevailed in China since the birth of the alleged republic. He deals with conditions as they are. Dr. Kuo dwells upon forces which may bring order out of chaos. The latter minimizes the effects of the constant civil strife. "Hence," he says, "the troubles of recent years, though they loom large in the chronicles of the day, do not actually reach very deeply into the life of the Chinese people." But Mr. Woodhead's survey indicates that few of the unhappy people have escaped the havoc wrought by these feudal rivalries. "It is much easier to attribute the sufferings of the Chinese people during the past ten years to these causes [foreign aggressions] than to admit the truth, which is that most of their misery has been due to the action of a noisy minority in foisting upon China a system of government for which she was not ready, which the vast majority of her people do not yet understand, and which, as long as the hearts of the people remain unchanged, could only have the effect of leaving them at the mercy of men more unscrupulous, more corrupt, and more intolerant of criticism or opposition than the worst officials of the Manchu régime."

Count Soyeshima interprets Japanese actions and policies and answers what he considers to be the current misunderstandings in the West. Mr. Arnold surveys China's economic resources, but in too brief a space to make any striking contribution. While Mr. Norton, summarizing the work of the Russians in the Far East, contemplates "the possibility —even the probability—of another great war. It will start, at least, in the East, and it will begin, not between Japan and America, but between Japan and Russia." A few errors and unsubstantiated opinions have been noted, but they detract little from the value of the addresses.

PAYSON J. TREAT.

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The Problem of Government, with Special Reference to American Institutions and Conditions. By CHESTER C. MAXEY. (New York: Alfred A. Knopf. 1925. Pp. xvii, 497.)

In an age of "Essentials" and "Outlines" here is still another attempt at a satisfactory introductory "orientation" course for political science;

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"a broad survey of the basic theories and principles of governmental organization and procedure in the leading states of the world," together with preparation for "practical citizenship." Mr. Maxey thinks that "it is possible by careful selection and condensation, by emphasizing only fundamental and important facts, and by skillfully combining the concrete and the abstract, to cover in a single course of study all of the essentials both of general political science and of American government, thus combining intellectual orientation with preparation for citizenship in. . . . . a very fruitful and popular manner." All this in a text designed for use in the first and second years of college.

There are seven parts to the work: "The General Principles of Government" (76 pages); "The Organization and Operation of Government" (77 pages); "The National Government of the United States" (64 pages); "State Government in the United States" (43 pages); "Local Government in the United States" (42 pages); "The Citizen's Job" (56 pages); and "Contemporary Problems" (112 pages).

Terseness is not Mr. Maxey's *forte;* consequently elimination is the method utilized to cover his very extensive field. He leaves out whatever he wants to. A teacher not of the "new school" will doubtless wonder why in the description of the national government of the United States six pages are devoted to presidential powers while the powers of Congress are omitted entirely. The book, however, is written, not for the professor, but "for the student alone"; and we fear that it is true that many so-called "students" of the earlier college years, and perhaps even some instructors, will eagerly welcome the omission of that difficult subject, "Congressional Powers." The index shows that Congress is disposed of as follows: "Congress—as a federal legislature; party system in; possible reforms in procedure and organization of; sessions of. (The numbers of the pages cited in the index in no case fit the proper pages in the text.)

The author is not "concerned with academic abstractions," "juristic fictions," or "professional verbiage." He feels that he "need not even pause to note the mystic and more or less imaginary attributes, such as sovereignty, continuity, personality, etc., which certain minds have accorded to the state." So we find him interested in such concrete realities as monism, pluralism, guild socialism, communism, anarchy, the pragmatic conception of state functions, etc. All of which seems to indicate that it is merely a matter of taste as to what individual professorial obscurantism is to obfuscate. Mr. Maxey's selections, opinions, and judgments are Mr. Maxey's, and there is no reason to

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quarrel with them as such. The reviewer, however, would raise the question: Why the title of the book, *The Problem of Government*?

E. F. HUMPHREY.

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BRIEFER NOTICES

It is good news for students of government and history that the *American Year Book*, which suspended publication in 1919, has been resumed. The new *American Year Book*, 1925 (pp. xxxv, 1158) is published by the Macmillan Company under the editorship of Professor Albert Bushnell Hart and Mr. William M. Schuyler and with the coöperation of a supervisory board representing forty-five learned societies of America. It contains about one third more space than the volume for 1919 and a much larger range of topics, and the number of contributors has been increased from 118 to 256. In the field of government we find among the contributors such well-known persons as Frederick A. Cleveland on the budget system; Milton Conover on personnel and rules of Congress; R. T. Crane on city planning; Charles G. Fenwick on international negotiations; Arthur N. Holcombe on the national government; Charles Kettleborough on electoral laws; J. M. Mathews on state government; H. L. McBain on the federal judiciary; Parker T. Moon on international relations; H. S. Quigley on Oriental relations; Delos F. Wilcox on public utilities; and Clinton Rogers Woodruff on civil service and municipal government. The *American Year Book* is not a mere almanac of statistics and concentrated information, but a general survey of public affairs reviewed in narrative fashion and supplemented, where necessary, with tables and statistics. For example, the section on the national government has about forty-five pages of narrative exclusive of the tables and statutes. The volume is a mine of information, carefully digested and well arranged. As stated in the preface, the work was made possible largely through the generous interest of Mr. Adolph Ochs.

The first volume of a new series of *Political Science Classics*, to be published by Knopf under the general editorship of Professor Lindsay Rogers of Columbia University, is *Chinese Political Philosophy* (p. 135), edited by Professor W. S. A. Pott, of the University of Virginia. The aim of the series is to make available, in English and in convenient form, many important writings, English and foreign, which represent characteristic stages in political thought and which are at present not within easy reach of the scholar, either because they are out of print or because

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they have never been translated into English. It is also intended to include reprints of some of the more familiar classics. The enterprise promises valuable assistance to the student of political thought and institutions. A handy and attractive format has been selected. Professor Pott's book consists of about twenty pages of translations of carefully chosen passages from the Chinese classics, preceded by a much longer independent essay by the editor on the nature and characteristics of Chinese political thought. This allotment of space is welcome, in view of the inevitable difficulty of bridging the gap between Oriental and Western thought, and the resulting need of full commentary and interpretation to accompany the text presented. For this task of interpretation Professor Pott is peculiarly fitted by his Chinese heritage and his long residence in the Orient. The book opens an illuminating and inviting vista into a field of political thought and development which has too long remained *terra incognita* to students of politics.

The Chief Sources of English Legal History, by Percy H. Winfield (Harvard University Press, pp. ix, 374), is a critical bibliography based on lectures delivered in the Harvard Law School in 1923. Of the nine chapters—Equipment for Research in Legal History, Existing Bibliographical Guides, Sources of Anglo-Saxon Law, The Influence of Roman Law on English Law, Statutes, The Public Records in General, Case Law, Abridgments, and Textbooks and Books of Practice—all are extremely useful to a practitioner or to a beginner of the study of English legal history, but the last three will probably be found the most valuable to more advanced students on account of their discriminating discussions. The author, on the whole, accepts Maitland's view that the Year Books are not the work of public officials. His account of their contents is brief but valuable. The section on the reporters is still shorter. To the list of Guides included in it should be added C. C. Soule's useful *Lawyers' Reference Manual*. The most valuable part of the book is the critical comparison of the great abridgments, particularly Fitzherbert and Brooke. The last chapter gives useful critical estimates of all the existing editions of the classical treatises and older textbooks. The 1780 edition of Glanville, which, as the author merely says, is attributed in Clarke's *Bibliotheca Legum* to John Wilmot, was in reality the work of John Rayner, whose name is signed to the preface. The characterization of *Fleta*, though given in the words of Maitland as "little better than an ill-arranged epitome of Bracton," hardly does that book full justice. The first editor of Sir Matthew Hale's *History*

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of the Pleas of the Crown was Sollom, not Solomon, Emlyn. Chief Justice Hengham's alleged malfeasance might possibly have seemed a little less "puzzling" had the author consulted or cited the volume of *State Trials of Edward I* edited for the Royal Historical Society by T. F. Tout and Hilda Johnstone in 1906. But the errors are negligible, and the omissions are few beyond those made necessary by the book's general scope and character.

In *The Genesis of the Constitution of the United States* (Macmillan, pp. 260) Mr. Breckenridge Long has given the student of American government and history a useful analysis of the written plans of government antecedent to the Constitution, their political and social background, and a detailed explanation of the analogies and precedents supplied by each. The plans covered include the Mayflower Compact; the colonial charters; the Articles of the New England Confederation; the plan for union presented by Colonel Nicholson, president of Virginia, to the Commission of Trade and Plantations; the plans of union formulated by William Penn, Charles D'Avenant, Robert Livingston, the Earl of Stair, Daniel Coxe, the Reverend Mr. Peters, and Benjamin Franklin; the Albany plan; the Hutchinson plan; the Stamp Act Congress; the Continental Congress; the Declaration of Independence; the state constitutions; the Articles of Confederation; the Annapolis convention. The author shows how some of these documents, such as the charters and state constitutions, furnished precedents for the internal structure of the American national government and how others, such as the various plans of union, the Articles of Confederation, etc., supplied precedents for coöperation and federation. Among the numerous interesting theories advanced by Mr. Long, one is that the New England Confederation was "an expression of the ideas which the men in that region had absorbed of the government in Holland..... They learned of the federation of Zealand and Holland in 1575. They heard of the reconstructed articles of coöperation of 1576. They saw the operation of confederate government and learned the principles of federal jurisprudence. When they emigrated they took to America the ideas which had been part of their lives in Holland" (p. 57). A valuable feature of the book is an appendix containing the text of the Constitution with numerous cross references to the earlier documents.

An entertaining as well as instructive book is *Builders of the Empire* (pp. 297) by J. A. Williamson, published by the Oxford University Press. Twenty men have been included, among them Cabot, Drake, Clive,

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Cook, Wilberforce, Livingstone, and Cecil Rhodes. The book is full of well chosen illustrations and is especially to be commended as furnishing authentic history made palatable for younger readers as well as for those who peruse this periodical. Another book on English history, parliamentary history this time, is D. C. Somervell's attempt to treat *Disraeli and Gladstone* impartially. His book by that title (George H. Doran Company, pp. 314) is a summary and comparison of the lives and works of these two men as found in what he calls "those two monumental biographies, *The Life of Gladstone* by Lord Morley and *The Life of Disraeli* by Mr. Monypenny and Mr. Buckle." The comparison is pleasantly and effectively done, but both the heroes lose something of the glamour and splendor accorded to each in his own biography. "Neither Disraeli nor Gladstone was privileged to lead a great revolutionary movement and to associate his name with a single immortal event. .... Disraeli and Gladstone figure, in the last analysis, as agents rather than principals, as actor-managers rather than as authors of the political dramas associated with their names." A third biographical study dealing with an important figure in British politics is *Joseph Chamberlain and English Social Politics*, by Elsie E. Gully (Columbia University Studies in History, Economics and Public Law, vol. cxxiii, no. 1, pp. 340). It is Miss Gully's conclusion that "Mr. Chamberlain became the leader of a new school of Radical reform, which emphasized belief not only in thoroughly democratic institutions but also in the use of those institutions for the social welfare of the people ..... he was a power among the Liberal masses, and the influence which he left with them became a part of their conception of the Liberal policy of the future. An apt illustration of this abiding influence is found in a critic's comment that Chamberlain was a sort of John the Baptist of Lloyd George."

Henry P. Seidemann's *Manual of Accounting and Reporting for the Operating Services of the National Government* (Johns Hopkins Press, pp. xxii, 399) is the latest volume in that very thorough and substantial series of *Studies in Administration* prepared by the Institute for Government Research. The book is intended as a practical guide for superior officers and for employees having to do with the conduct of the internal business operations of a government service. It describes in detail an accounting procedure which is applicable to most of the government bureaus. It includes over sixty forms recommended for the keeping of accounts. Although primarily a technical treatise for government

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officials, the chapters dealing with "Principles of Accounting Procedure" and "Budget Procedure" are of interest to students of administration. The latter chapter gives one of the most satisfactory brief accounts known to the writer of the procedure employed by the national government in the preparation of the budget for presentation to Congress, the procedure followed by Congress in voting funds, and the present system of controlling the expenditures authorized. Emphasis is placed on the necessity of a proper system of accounting in order to collect the data needed by the President and Congress in budget making and control and as a means of supplying the public with adequate information.

An Introduction to Public School Finance, by Benjamin Floyd Pittenger (Houghton Mifflin Company, pp. xvi, 372), like the other Riverside Textbooks in Education edited by E. P. Cubberly, is based upon sound principles of educational and governmental policy and is of timely interest. The author points out that with the growth of expenditures the schools, like other public services, have been brought face to face with a financial crisis. After elaborating upon this theme under the heading of "The School Finance Situation," the author proceeds to outline the problems of school finance, especially the local problem of improving the financial management of school systems. The solution of these local problems involves six specific reforms (to each of which the author devotes a chapter) as follows: (1) schools must adopt a business-like procedure of budget making; (2) continuous studies must be made of comparative unit-costs in education to serve as a basis for evaluating the expenditures of any local school; (3) a simple and uniform system of accounting should be adopted; (4) a sound debt policy must be developed; (5) a proper division of authority in financial administration between the school departments and the regular governing bodies must be worked out; and (6) the schools must adopt truthful but effective methods of publicity. In the section on the state problem the author discusses educational inequalities and the need for securing greater equity in methods of public school support; the relative importance of state aid, stimulation, and equalization; the apportionment of state funds; and sources of school revenue. As a whole, Mr. Pittenger has given us an interestingly written and practical discussion of the new field of public school finance.

The Follies of the Courts, by Leigh H. Irvine (Times-Mirror Press, pp. 273), is written to arouse popular demand for the rectification of the conditions existing in the administration of criminal justice in the

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United States in general and in California in particular. The title, however, is calculated only to damn the book in the eyes of the scientist. If, however, the scientist will take the reviewer's word and pass by the title, he will be both flattered and informed by the book's contents. The volume most appropriately opens with a publisher's foreword which informs us that the author is a lawyer who, as a newspaper reporter, has witnessed "some of the most celebrated trials," in most of the common law jurisdictions. The author very rightly calls upon the American states to follow Great Britain and her colonies in scrapping antiquated criminal court methods. He points out the great delays in American criminal justice, and the probability of a criminal escaping punishment, as a result not only of inefficient police but also of dishonest lawyers and experts, of complicated and technical rules, and of the interference by politicians or by sentimentalists, of whom, in the United States, there is always at least one ready to apply for probation, parole, or pardon for the most hardened and unworthy criminal. The author is, however, not blind to the conditions of his problem. He suggests no panacea, nor does he hold out any hope of a swift remedy. His appeal is for sufficient popular interest in the problem to call forth funds for scientific investigation. This need is stressed throughout the entire book and his specific recommendations for an investigating foundation for California is one that could well be followed elsewhere in the United States. (A. G. L.)

Two recent and sharply contrasted discussions of the public aspects of electrical power developments are the report of the Giant Power Survey Board (pp. 480) to the General Assembly of Pennsylvania, February, 1925, and *Niagara in Politics* (Dutton, pp. 255) by the late James Mavor, emeritus professor of political economy in the University of Toronto. Professor Mavor's book is a critical account of the Ontario hydro-electric commission, which he holds has become a political oligarchy that has dominated the government, controlled elections, quieted the public through propaganda, and in considerable degree stifled free democracy. He does not go into a detailed discussion of profits and losses, but indicates his opinion that the eventual economic loss may be very considerable. The Pennsylvania Giant Power Report proposes a plan for the organization of giant power companies under strict public control, carried out by the states individually and by means of compacts between different states approved by Congress. The Survey Board report is published, along with a message of Governor Pinchot to the

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General Assembly, a general report by Morris L. Cook, director of the survey, six technical reports, and a series of appendices.

Beyond Hatred: The Democratic Ideal in France and America, by Albert Leon Guérard (Scribner, pp. xx, 298), is a worth-while series of essays on such topics as political democracy; the dictatorship of the middle class in France; the presidency of the French Republic; democracy and race; democracy and language; and the "new history." The author does not regard the orthodox definition of democracy as "government of the people, by the people, and for the people" sufficient for his purpose. "Democracy," he writes "has too often been degraded to the level of a mechanism and indeed of a machine: it is an ideal." From this point of view he, therefore, defines democracy as "the spirit which will not suffer hatred to live." The book makes a strong plea for wiping out those racial and national prejudices which tend to foster hatred and are to that extent undemocratic. The book is made interesting by a wealth of concrete examples, a freshness of style, wit, and originality of ideas.

The Carnegie Institution of Washington has published Graham H. Stuart's excellent treatise on *The Governmental System of Peru* (pp. 156). There is a short introductory chapter on the constitutional development of the country, but the book is in the main occupied with the new constitution adopted in 1920. This constitution provides for more stringent and effective guarantees for the individual, a clearer working relationship between the legislative and executive branches, and a greater decentralization. This document is called by Dr. Stuart "an instrument of government which theoretically is all that can be desired." Its terms, however, are not altogether complied with, especially the extreme power which the president exercises and which the author believes to be due to historical tradition and custom. Under the existing circumstances he thinks it will be almost impossible to develop a more parliamentary system of government. The present autocratic government under President Leguia has, at any rate, brought peace and prosperity to the country. Municipal government he finds in a healthy condition, the greatest desire for change being for more local autonomy. The mayor and other executive officers are members of the city council and are elected by it to their respective offices, thus merging the local legislative and executive branches of government.

Charles Grove Haines and Bertha Mosher Haines have prepared a revised edition of *The Principles and Problems of Government* (Harper,

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pp. xvii, 662) which in its original form has had a wide use in American colleges. The book is not merely a reprint but has been thoroughly revised by bringing recent developments down to date, by the addition of references and the inclusion of a number of new sections on such topics as judicial review; the cabinet and presidential systems of government as tested by the strain and stress of war and reconstruction; recent changes in state and federal budgetary procedure; the problems of constitution-making in the new states of Europe; and the movement for administrative decentralization. An entirely new chapter on international organization and administration has been added, covering such topics as methods of conducting international negotiations, the Permanent Court of Arbitration, the League of Nations, the World Court, and the outlawing of war. The writer had the pleasure of reviewing the book for this journal when it first appeared and of pointing out its decided usefulness which, in his opinion, has been made even greater by its careful revision.

After having taught the subject for twenty years, Professor John Lewis Gillin has produced an exhaustive textbook in *Criminology and Penology* (Century, pp. xiv, 873). This painstaking examination is concerned chiefly with the situation in the United States, and on the whole constitutes a sober but damning indictment. We are the most criminal people on earth and our criminality is very possibly increasing. On the other hand, our methods and machinery for dealing with misdoing are inferior; police, courts and prisons, jails and reformatories—none of these will bear examination for efficiency either in deterrence or in reformation. The book is objective, straightforward, and convincing. A rather large number of cases have been included, and the bibliographies of books and magazine articles are generous.

Dollar Diplomacy: A Study in American Imperialism, by Scott Nearing and Joseph Freeman (B. W. Huebsch and the Viking Press, pp. xv, 353), is an attempt to prove that recent American diplomacy has as its sole purpose the rendering of assistance to American investors abroad. The central theme and tenor of the book are indicated by the following extracts: .... "A summary of government coöperation with American finance in Latin America .... would include .... the prevention of filibustering inimical to American financial interests, and the helping of filibustering advantageous to American financial interests; ... the financial annexation of Central America and Cuba, where protectorates of one sort or another have been established; ... the fomenting of

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revolution in Panama, Honduras, and perhaps Mexico; . . . the active solicitation of loan business for New York banking houses; and the carrying on of a ceaseless campaign on behalf of the oil interests against the attempts of Mexico to nationalize its natural resources."

The fifth volume presented by the Institute of Economics in its series of investigations in international economic reconstruction is a study of *The Ruhr-Lorraine Industrial Problem* (Macmillan, pp. xx, 328) by Guy Greer. The author, a coal expert with the Peace Conference and later assistant director of the Coal Bureau of the Reparations Commission, writes with knowledge and authority. He treats the Ruhr-Lorraine situation as typical of the international difficulties caused by the still-continuing interruption of that interchange of goods among nations which constituted pre-war normality. The influence of the reparations requirements and of political factors is well considered and a successful effort to view the situation as with the eyes of opposing groups is made. The book constitutes a valuable contribution.

The latest Hart, Schaffner, and Marx Prize Essay in Economics is George Ward Stocking's *The Oil Industry and the Competitive System* (Houghton, Mifflin, pp. xii, 323). The conclusion of the book, seemingly well confirmed by the evidence, is that competition in the oil industry, in production, in transportation, in refining, in marketing, means waste. To some extent this waste is a concomitant of competition as a system, and may, in Mr. Stocking's opinion, be offset by competitive advantages; more often the wastes are due to conditions special to this particular industry, and this leads the author to advocate a comprehensive system of federal regulation and control. A special chapter treats of Teapot Dome and our other national petroleum lands.

Principles of Railway Transportation, by Eliot Jones (Macmillan, pp. xxv, 607), is an elementary textbook. It is logically arranged and clearly written. There is a general introduction, a financial introduction, an historical introduction; then follow numerous chapters dealing with rate-making, railroad legislation and judicial history up through 1923, operation during the World War, and problems of reconstruction. The chapter on government ownership is thorough and of considerable interest, in spite of the fact that it consists largely of quotations from other writers. There is a very fair presentation of both sides of the question. While the author states that he "holds his own views in the background" in the interest of such fairness, one may hazard the opinion that he is opposed to public ownership and operation.

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A preliminary report on the *Personnel Problem in the Public Service* (pp. 44) by a conference committee of the National Municipal League, Governmental Research Conference, National Civil Service Reform League, National Assembly of Civil Service Commissions, and Bureau of Public Personnel Administration, has been published in the January, 1926, number of *Public Personnel Studies*. This discusses the magnitude of the personnel problem, the functions of the personnel agency, the methods of selection and organization of the public personnel agency, the law relating to public personnel agency, and the public personnel agency's work from the view-point of the operating officer and the taxpayer, and also includes a series of statistical tables and a draft of an act to create a state (or city) employment commission.

The National Industrial Conference Board has published a study of the *Cost of Government in the United States* (pp. 138) supplementing its previous reports on public taxation. The latest report includes data for the year 1924, showing a decrease in the taxation and expenditures of the national government from the preceding year, but a continued increase in the expenditures of state and local governments, as well as a further increase in state and local indebtedness. Comparisons are also made with conditions in 1913. It would be of interest if these comparisons were extended to the proportionate taxation in the years following the Civil War with those of the present period following the World War.

The Historical Foundations of the Law Relating to Trademarks, by Frank I. Schechter (Columbia University Press, pp. xxviii, 211), is the first volume in a new series entitled "Columbia Legal Studies." It is also the first dissertation submitted and printed for the degree of *Juris Doctor*, newly created at Columbia. The volume is well written and displays great research ability. The material presented serves to explain several rules of law formerly considered inconsistent and anomalous. It is a study which should interest not only lawyers, but also political scientists, historians, and economists.

The Rise of Modern Industry, by J. L. and Barbara Hammond (Harcourt, Brace and Company, pp. xi, 281), has accomplished its professed aim—that of giving the general reader an interesting account of the Industrial Revolution, its causes and results. Great stress is laid upon the confusion and disorder produced by the Industrial Revolution and its emphasis on profits. "The curse of Midas was on this society; on

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its corporate life, on its common mind, on the decisive and important step it had taken from the peasant to the industrial age." Then came the new spirit of social reform. "The Industrial Revolution must be seen in a perspective of this kind; as a departure in which man passed definitely from one world to another, as an event bringing confusion that man is still seeking to compose, power that he is still seeking to subdue to noble purposes."

Delos F. Wilcox's *Depreciation in Public Utilities* (pp. 112) is the second book in the National Municipal League Monograph Series. Dr. Wilcox is of the opinion that there has been much confusion in depreciation theories and errors in practice, with the result that the valuation of public utilities as fixed by the utilities' inspection experts is unsound for rate or purchase purposes. He favors a proper tying together of "annual" and "accrued" depreciation, with emphasis on "accrued" depreciation, and outlines a method for arriving at the latter. Emphasis on annual depreciation pushes up the operating expense allowance and is therefore favored by the utilities; accrued depreciation cuts down the valuation or rate base and therefore is minimized or forgotten.

The Historian and Historical Evidence, by Professor Allen Johnson (Scribner, pp. 179), discusses certain basic problems of historical criticism. The topics treated are about equally divided between questions arising out of the nature of evidence and the subjective processes and attitudes through which the mind of the historian passes during his task of synthesis. The brief space at the author's command compels him to suggest rather than to describe or to construct, more especially as he is an avowed partisan of no one school of history. The best chapter is that on "The Development of Method"; the later ones seem somewhat sketchy. The examples given are for the most part striking and well-chosen, and the book as a whole is suited to guide an intelligent student into the labyrinth which surrounds independent historical composition.

Social Origins and Social Continuities, by Professor Alfred Marston Tozzer of Harvard University (Macmillan, pp. xix, 286), is an important addition to the growing list of works on anthropology which contain valuable material for the student of political science. Professor Tozzer's book, which presents a course of lectures delivered before the Lowell Institute of Boston, is especially valuable because it deals primarily with the social and political aspects of the life of primitive peoples. The chapter on "Government, Law, and Ethics" contains convenient short summaries of the governments of the Iroquois Confederacy, the Kabyles

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of North Africa, and Peru under the Incas. A bibliography is appended which supplies a useful key to many recent special studies.

Histoire générale du droit français des origines a 1789 à l'usage des étudiants des Facultés de Droit, by J. Declareuil (Sirey, Paris, pp. 1076), is an excellent book of its kind, well planned, well proportioned, and scholarly. It is fuller than the classic volume of Esmein and much superior to the compilation of Brissaud. From an historical point of view, such treatments are necessarily defective, in that they must cover great periods systematically, with insufficient allowance for the changes going on in a space of time like the eight hundred years of Capetian royalty. M. Declareuil, however, has the training of an historian as well as that of a jurist, and he manages to give some notions of the general background of the institutions which he describes. (C. H. H.)

The Psychology of Social Institutions, by Charles H. Judd (Macmillan pp. 345), emphasizes the fact that social influences are of the highest importance in determining the character of human thought and conduct. Each chapter is made up of two parts, one a description of certain typical social institutions such as exchange, money, language, religion, and government, the other a discussion of the mental processes related to the institutions described. The chapters of special interest to students of government are "Individual Emotions and Social Institutions" and "Government and Justice." In the latter chapter Professor Judd's idea of justice is much the same as Plato's. He says: "The purpose of such governmental machinery as is evolved is to adjust relations within the group and between groups. The conception which modern society has of the desirability of properly controlling these relations is the conception expressed in the word 'justice'."

The lectures given by Professor Henri Pirenne at various American universities three years ago have been brought out by the Princeton University Press under the title *Mediaeval Cities: their Origins and the Revival of Trade* (pp. 249). The survey covers, rather broadly, the era from the seventh to the twelfth century, with special reference to social and economic organization in the towns. New emphasis is given to the political and commercial results of the Mohammedan conquests. The book is written in a lucid style and from a new point of view. A useful bibliography is appended.

The City, by Robert E. Park, Ernest W. Burgess, and others (University of Chicago Press, pp. 239), is an interesting sociological study of

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human behavior in the urban environment. Various chapters discuss the physical organization of the city, its growth, its occupations, and its mentality. All are stimulating and suggestive. There is an excellent bibliography which contains much good material with which most students of municipal government have been altogether too unfamiliar.

The Life of Benito Mussolini, by Margherita G. Sarfatti (F. A. Stokes Company, pp. 352), is prefaced by Mussolini's own words: "My life is presented in it in the form of a succession of events, in the form of a development of ideas. In essence, it is no great affair—my life." The events include his early home life, his years in Switzerland as both workman and student, his sojourn at Trent, his many imprisonments, his editorial work, and his war experiences. There is only a glimpse of him after he came to power. But events do not seem to interest the author as do her hero's ideas, with which she is in full accord; and the ideas are subordinate to her attempt to make us see his character. Signora Sarfatti admits it to be "essentially a woman's book"..... full of "gossip." It is also eulogistic, and furthermore it appears to have omitted a great many things; but there is no doubt that it is an interesting contribution to our knowledge of this extraordinary man from one who knows him well.

The array of books about Roosevelt keeps lengthening. The latest addition is a volume on *Roosevelt and the Old Guard* by J. Hampton Moore, a former member of Congress and sometime mayor of Philadelphia (Macrae-Smith Company, pp. 300). The book covers a wider field than its title might imply, being a virtual biography of Roosevelt during the years 1898–1912, and contains a good deal of material not found in the earlier sketches of his career, particularly as respects Roosevelt's relations with politicians, more or less practical, in Pennsylvania and elsewhere.

The Problem of International Sanctions is the subject of a little book of eighty-eight pages supporting the unratified Geneva Protocol of 1924, by Dr. Mitrany (Oxford University Press). Convinced that sanctions are necessary, the author attempts to show their practical application, maintaining that the application of sanctions with resort to arbitration would secure reasonable flexibility in international relations and avoid "stereotyping of the status quo."

International Law Decisions and Notes, 1923, of the United States Naval War College follows the plan of the previous year. Decisions of

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courts of different nations, sometimes showing diversity of practice and sometimes agreement, are brought together by Professor George Grafton Wilson. Such cases refer to ownership, charter and service of vessels, armed vessels, etc. The cases in this volume are mainly American, British, and German, though there are a few from the Japanese courts.

Joseph Bucklin Bishop's *Notes and Anecdotes of Many Years* (Scribner, pp. 236) contains much interesting gossip about the notables whom the author has known, including Horace Greeley, John Hay, Henry Ward Beecher, Edwin L. Godkin, and Theodore Roosevelt. By well chosen anecdotes and the recital of incidents he has aimed to depict the personality of each, and on the whole he has done it successfully.

Denys Gwynn's book on *The Catholic Reaction in France* (Macmillan, pp. 186) is a frankly journalistic attempt to present, from the point of view of an outsider, the important phases of the Catholic movement in France since the war. It contains good chapters on such topics as "The Catholic Press in France" and "The Catholic Trade Unions." The author shows the problem of church and state to have much wider ramifications than most students of comparative government have realized.

Economics of the Radio Industry, by Hiram L. Jome, (A. W. Shaw Company, Chicago, pp. 323), includes chapters on patents and copyright as property problems in the radio field, and a chapter on "Public Policy and Control of Radio Service." A study of the *Economics of the Leather Industry*, by B. R. Rau (Calcutta University Press, pp. 184), includes a chapter on "The State and the Leather Industry," advocating a more active policy of government encouragement.

James J. Mayfield, code commissioner of Alabama, has published a medley of extracts from a variety of official and unofficial sources under the title of *A Scrap Book on Constitutional Government* (Foote and Davies Company, Atlanta, pp. 572). This may be of service as a work of reference, though its value in this respect is lessened by the absence of a table of contents.

The Life of W. Murray Crane, A Man and Brother, by Solomon Bulkley Griffin (Little, Brown, pp. 202), is a tribute to the work and influence of the senator from western Massachusetts by an intimate friend. It describes his success as business man and governor as well as his better known career as United States senator and leader in Republican politics.

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This book was the last work of the former editor of the Springfield Republican and was published after his death.

A new edition of Brand Whitlock's autobiographical *Forty Years of It* has been issued by Messrs. D. Appleton and Company (pp. 374). There are no changes in the text, but a foreword by William Allen White has been inserted. "Few American books written in the last two or three decades," says Mr. White, "have told as good a story as this."

The former American ambassador to Italy, Richard Washburn Child, tells the story of his ambassadorial experiences in a book entitled *A Diplomat Looks at Europe* (Duffield, pp. 301). There are intimate pictures of the Genoa and Lausanne conferences, likewise an interesting chapter on Mussolini. In addition the author sets forth his view on international debts, on what Europe thinks of itself and of us, and on our own foreign policy. Not a very deep or discerning book, but a readable one.

The autobiography of a notable Irish parliamentarian, J. G. Swift MacNeill, has been published as *What I Have Seen and Heard* (Little, Brown, pp. 320). There is a great deal of interesting gossip about things political, both in Dublin and at Westminster, with sidelights on many important personages of the past half century.

College Readings on Current Problems, edited by Albert C. Baird (Houghton, Mifflin, pp. 398), is a book of selections, mainly in the field of history, government, sociology, and economics. On the whole, the selections are well chosen. But the same can hardly be said of the references included in the appended bibliographies. Those on government and politics (pp. 378–79) seem to have been culled from a card catalogue on the principle that all books are created free and equal.

Professor Leon C. Marshall has prepared a book of *Readings in the Story of Human Progress* (Macmillan, pp. 492) to accompany his high school text *The Story of Human Progress*. The book is clear, readable, and well illustrated. The volume as a whole—especially the sections on custom, law, public opinion, the nation and the government, and social organization—makes excellent reading for classes in civics.

Professor E. R. A. Seligman's new volume entitled *Studies in Public Finance* (Macmillan, pp. 302) has some highly interesting and significant chapters. There is, for example, one on "The Allied Debts," another on "The Problem of Tax Exempt Securities," and still another on "The

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Reform of Municipal Taxation"—all timely questions. The book may be regarded as a supplement to the author's well known *Essays in Taxation* and has the same meritorious features.

A History of American Immigration, 1820–1924, by George M. Stephenson is published by Messrs. Ginn and Company (pp. 316). It deals with immigration as a factor in American political development. There are good introductory chapters on the European background. The bibliographical aids are excellent.

An informing work containing much useful data has been published by W. W. Jennings as a *History of Economic Progress in the United States* (Crowell, pp. 819). The book deals successively with the growth of population, agriculture, manufactures, commerce, and finance.

Three lectures delivered by the Hon. Newton D. Baker at the University of Virginia have been published by Scribner's under the title *Progress and the Constitution* (pp. 94). The first of the three deals with the general topic indicated by the title; the other two are devoted to "The Constitution and Industry" and "The Constitution and Foreign Relations."

The Weil Foundation Lectures for 1925 at the University of North Carolina were given by Mr. William Allen White and have now been published under the title *Some Cycles of Cathay* (University of North Carolina Press, pp. 96). The thesis of the book is that we have passed through three cycles in American history, each being part of a larger cycle of democratic growth. These cycles the author calls Revolutionary, Anti-Slavery, and Populist.

The Making of Modern Italy, by Arrys Salmi (Macmillan, pp. xxi, 231), presents a historical survey extending from 1814 to 1918. It deals largely with political evolution, paying only slight attention to economic history. As a readable narrative in short compass, the book will serve a useful purpose.

The Pollak Foundation for Economic Research has recently published a book on *Profits* by William T. Foster and Waddill Catchings (Houghton, Mifflin Company, pp. 465). The Foundation has evoked a good deal of interest in the book, not only on the strength of its general line of argument, but by offering a prize of $5,000 for the best adverse criticism.

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Facts and Common Sense versus Too Much Government, by Garman Staley (Book Concern, Columbus, Ohio, pp. 296), is a protest against governmental activity in business, including such things as the enactment of workmen's compensation laws and war risk insurance.

Ouroboros (Dutton, pp. x, 101) is the title given by Garet Garrett to a rather pessimistic little book which speculates on the future influence of the machine upon man. The volume is one of the lesser luminaries in the frequently brilliant *Today and Tomorrow Series.*

American relations with Germany since the armistice are set forth in a volume by Sidney Brooks entitled *America and Germany, 1918–1925* (Macmillan, pp. 191). There is a good discussion of the Dawes plan and of its probable effects.

The Thomas Y. Crowell Company has issued a small booklet on *American Citizenship* (pp. 88) containing addresses of a popular nature by such well known men as John W. Davis, Governor Albert C. Ritchie, and Charles E. Hughes. The subjects included are "What Does the Constitution Mean?"; "The Constitution and Modern Tendencies"; "State Responsibility"; and "The Declaration of Independence."

A Study of the City Manager Plan in California (pp. 32), by Randall M. Dorton, city manager of Monterey, has been reprinted from the *City Manager Magazine.*

The Correspondence of William Hickling Prescott, the historian of New Spain, has been published under the editorship of Roger Wolcott (Houghton, Mifflin Company, pp. xxii, 690). The letters cover the years 1833–47 and contain many observations upon the public affairs of the time.

A Day in Ancient Rome, by William Stearns Davis (Allyn and Bacon, pp. 482), gives an admirably clear and vivid picture of Roman life in all its aspects including the political. There is some consideration of the city government and of the various municipal services.

An Old-Fashioned Senator, by Harris Dickson (Stokes, pp. 204), is a story-biography of the Hon. John Sharp Williams—cotton planter, lawyer, sportsman, and senator from Mississippi. The book covers, in a sympathetic and understanding way, the career of a many-sided man.

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RECENT PUBLICATIONS OF POLITICAL INTEREST
BOOKS AND PERIODICALS

CLARENCE A. BERDAHL
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AMERICAN GOVERNMENT AND PUBLIC LAW

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